RESPONSE TO COMMENTS

FOR THE TALBERT LAKE DIVERSION PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Prepared for

City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

Prepared by

BonTerra Consulting
151 Kalmus Drive, Suite E-200
Costa Mesa, California 92626
T: (714) 444-9199 F: (714) 444-9599

September 2008

TABLE OF CONTENTS

This page intentionally left blank

RESPONSE TO COMMENTS FOR INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION NO. 08-003 for the TALBERT LAKE DIVERSION PROJECT

I. INTRODUCTION

This document provides the Response to Comments on the *Talbert Lake Diversion Project Initial Study/Mitigated Negative Declaration No. 08-003* (MND). This document contains all information available in the public record related to the Talbert Lake Diversion Project as of July 24, 2008, and responds to comments in accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines.

This document contains four sections. In addition to this Introduction, these sections are:

- Public Participation and Review, which outlines the methods the City of Huntington Beach used to provide public review and to solicit input on the Draft MND;
- Responses to Comments, which contains those written comments received from agencies, groups, organizations, and individuals as of July 24, 2008, and the corresponding responses to those comments; and
- Errata to the Draft MND No. 08-003, which corrects errors and inconsistencies.

The City of Huntington Beach intends to include this document in the official public record related to the Draft MND No. 08-003. Based on the information contained in the public record, the decision makers will be provided with an accurate and complete record of all information related to the environmental consequences of the project.

II. PUBLIC PARTICIPATION AND REVIEW

The City of Huntington Beach notified all responsible and interested agencies and interested groups, organizations, and individuals that Draft MND was prepared for the proposed project. The City also used several methods to solicit input during the review period for the preparation of this document. The following is a list of actions taken during the preparation, distribution, and review of the Draft MND.

1. A cover letter and copies of the Draft MND were filed with the State Clearinghouse on June 18, 2008. The State Clearinghouse assigned Clearinghouse Number 2008061097 to the proposed project. A copy of the cover letter and the State Clearinghouse distribution list is available for review and inspection at the City of Huntington Beach, Planning Department, 2000 Main Street, Huntington Beach, California 92648.

2. An official 30-day public review period for the Draft MND was established by the State Clearinghouse. It began on June 17, 2008, and ended on July 18, 2008. The City of Huntington Beach accepted public comment letters through July 24, 2008.

3. The Notice of Availability of the Draft MND was published in the *Huntington Beach Independent* on June 17, 2008. Copies of the document were made available to agencies, groups, organizations, and individuals.

4. A public comment meeting was held on Tuesday July 1, 2008, at the Huntington Central Library. Notice of the meeting was published in the *Huntington Beach Independent* on June 17, 2008, as well as advertised on the City's website.

III. RESPONSE TO COMMENTS

Copies of all written comment letters, emails, or comment forms received as of July 24, 2008, are included below, immediately preceding corresponding responses. All written comment submittals are ordered by type of comment and then alphabetically, and designated as Comment Letters A through S. Specific questions or comments within the body of each comment submittal requiring a response have been bracketed and numbered in the body of the comment letter. All responses refer to a specific question or comment and are identified with the corresponding alphanumeric designation (e.g. 'Comment A-1' refers to comment 1 contained within Letter A; Response to Comment A-1 will follow comment letter 'A,' and respond specifically to the bracketed comment '1' contained Letter A.)

Several comments do not address the completeness or adequacy of the Draft MND; do not raise significant environmental issues; and/or request additional information. A substantive response to such comment is not appropriate within the context of CEQA. Such comments are responded to with a "comment acknowledged" or similar reference. This indicates that the comment will be forwarded to all appropriate decision makers for their review and consideration.

Letter A

California Regional Water Quality Control Board
Santa Ana Region

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221
www.waterboards.ca.gov/santaana

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

July 21, 2008

Jennifer Villasenor
City of Huntington Beach Planning Dept.
2000 Main Street
Huntington Beach, CA 92648

DRAFT MITIGATED NEGATIVE DECLARATION NO. 08-003, CITY OF HUNTINGTON BEACH PLANNING DEPARTMENT, TALBERT LAKE DIVERSION PROJECT, STATE CLEARING HOUSE NO. 2008061097

Dear Ms. Villasenor:

Regional Board staff have reviewed the Draft Mitigated Negative Declaration (DMND) for the above-referenced project within Huntington Beach's Central Park (project). The purpose of the project is to create and improve riparian water bodies within Central Park in order to treat dry-weather flows and stormwater.

Generally, Phase 1 of the project will consist of the construction of a natural treatment system (NTS) comprising three constructed wetland series (one wetland "train" is tributary to the largest of the other two) in the northern portion of the park. The two main treatment trains will process linear flow into two final shallow ponds (cells) that are expected to passively provide solar ultraviolet treatment. Consolidated flow will then enter existing Talbert Lake (Lake) to the south.

One of six discussed diversion methods (diversion structure such as a rubber dam) will be utilized within the East Garden Grove Wintersburg Channel (EGGWC; located 0.75 mile to the north of Central Park). The chosen diversion structure will intermittently intercept up to 3 mgd of dry-weather flow from the Huntington Beach area that would have otherwise entered Outer Bolsa Bay. This dry weather flow will be piped to, and distributed among, lined settling forebays at the beginning of each of the three wetland series. Also, stormwater flows entering Central Park from the Gothard Street/Slater Avenue area will be collected for conveyance to these wetlands.

Phase 2 of this project will excavate the receiving water body, Talbert Lake, into a deeper configuration. The constructed wetlands, shoreline, and deepened Lake would recharge the historically shallow groundwater in this area. In the Lake, diffusion, aeration, circulation, and biofiltration will be applied toward improved water quality. The Lake will supply park irrigation. Lake overflow during peak storm events would cross a weir and enter Slater Channel (Jurisdictional Delineation appendix p.1; referred to as "Talbert Channel" on p.62, 92), which joins EGGWC near the western end of Slater Avenue. At the EGGWC terminus, in Outer Bolsa Bay, we understand that flows may

be controlled by gates to enter either Huntington Harbour to the north or Bolsa Chica Ecological Reserve to the south.

The following comments should be incorporated into the Final MND in order to assure the protection of water quality standards (water quality objectives and beneficial uses) contained in the Water Quality Control Plan for the Santa Ana River Basin (Region 8 Basin Plan):

1. The water quality mitigation stated in the DMND for both the project and its required Section 401 Water Quality Certification (p. 50 and Jurisdictional Delineation Report) would appear to be inherent Best Management Practices and riparian restoration at a 1:1 ratio (Attachment No. 1). Since the project's created onsite riparian system would mitigate impacts to approximately 19.5 acres of waters of the U.S., the project appears to be one of those that are often discussed as "self-mitigating." However, additional ideas such as the following should be incorporated into the Final MND to further elevate the project's water-quality benefit:

    a. A rigorous monitoring program of the "polished" water in Talbert Lake should verify that the treatment process is producing a final effluent which, at the time of any overflow to the Slater Channel, exceeds water quality objectives and improves the present quality of flow to Outer Bolsa Bay. At minimum, the Lake water should be sampled and analyzed on a regular basis for metals, pesticides, oil and grease, total organic carbon, nitrates, chlorinated hydrocarbons, and petroleum hydrocarbons. All excavated material must be tested per the requirements of Orange County Integrated Waste Management Department prior to landfilling. 1

    b. We note that the project would remove incremental volumes of dry-weather flow of varying quality from the EGGWC, but it would not change the concentrations of pollutants except during episodes of overflow (when it's raining anyway). A suggested addition to this program is the placement of some of the treated standing water from the Lake behind the diversion structure (conceptually a rubber dam) after the dry-weather flow is pumped out (replace poor quality water with good-quality water in the EGGWC). Water trucks or a separate pump can transport polished Lake water to the EGGWC in economic amounts at the City's discretion. Discharge may occur under the City's existing dewatering permit authorization (Order No. 2003-061-053[1], NPDES No. CAG998001), but according to the more rigorous monitoring program in 1a above. When the rubber dam is deflated, a blend of dry-weather flow and treated water would flow to Outer Bolsa Bay. Such a blend may prove beneficial to Outer Bolsa Bay water quality standards throughout the year, not only when the Lake overflows. Some of the treated, standing water in the Lake will be used in the blend before it evaporates, or concentrates residual or new pollutants.

[1] As amended by Order Nos. R8-2005-0041 and R8-2006-0004, "General Waste Discharge Requirements for Discharges to Surface Waters That Pose an Insignificant (*De Minimus*) Threat to Water Quality.

2. The Final MND should include the Basin Plan's listed beneficial uses, as supported by receiving waters downstream of the project. State that the wetland treatment is meant, in part, to protect these beneficial uses:

   a. "Bolsa Chica Ecological Reserve" is listed for Water Contact Recreation (REC1) and Non-contact Water Recreation (REC2); Rare, Threatened, or Endangered Species habitat (RARE); Preservation of Biological Habitats of Special Significance (BIOL); Wildlife Habitat (WILD); Spawning, Reproduction, and Development (SPWN); Marine Habitat (MAR); and Estuarine Habitat (EST). For "Bolsa Bay," retain all of the above except EST, and add Shellfish Harvesting (SHEL) and Commercial and Sportfishing (COMM). For "Sunset Bay – Huntington Harbour," subtract EST, SHEL and BIOL, but add Navigation (NAV).

   b. Riparian vegetation restored in the wetlands and the Lake (p.107) must be native and not detrimental to the Bolsa Chica wetlands or Huntington Harbour ecosystems if washed into them. Algacides should be discussed in the Final MND as prohibited. Additionally, the Final MND should note that Huntington Harbour is on the Clean Water Act Section 303(d) list for lead, copper, and chlordane, with their sources unknown.

2

3. Exhibit 7.4-12 and p. 93 explains wetland processes. However, the Final MND should recognize the increasing understanding that there is risk to wildlife vitality by combining habitat functions with treatment functions, which can expose wildlife (bird eggs) to toxins. Newly constructed wetland facilities may preclude wildlife from the treatment wetlands.

3

If you have any questions, please contact Glenn Robertson at (951) 782-3259 and grobertson@waterboards.ca.gov, Athar Khan at (951) 782-3219 and akhan@waterboards.ca.gov, or me at (951) 782-3234 and madelson@waterboards.ca.gov .

Sincerely,

Glenn Robertson, for

Mark G. Adelson, Chief
Regional Planning Programs Section

cc: State Clearinghouse
California Department of Fish and Game, Ontario – Jeff Brandt/ Mike Flores/Anna Milloy
U.S. Fish and Wildlife Service, Carlsbad – Jack Fancher
U.S. Army Corps of Engineers - Stephanie Hall

X: Groberts on Magnolia/Data/CEQA/CEQA Responses/NegDec/Mit Neg Dec-City of Huntington Beach -Talbert Lake Diversion Project.doc

California Environmental Protection Agency

Recycled Paper

This page intentionally left blank

Response to Comment A-1
Comment acknowledged. Final design of the proposed project would consider opportunities to optimize water quality benefits through design modifications; the overall approach for project plan formulation has been the effective utilization of existing flows and available open space.

A-1(a): A monitoring program would be implemented to ensure the project is meeting Santa Ana River Basin Plan water quality objectives for Slater Channel and Outer Bolsa Bay. Please refer to the response to Comment F-4 for a detailed description of this monitoring program.

Potential effects to surface water quality standards and discharge requirements are addressed in the Hydrology and Water Quality analysis, threshold "a", on page 143 of the Draft MND. As stated in the document, the primary goal of the proposed project is to improve EGGWC water quality over existing conditions. Water quality standards would be maintained through compliance with the existing National Pollutant Discharge Elimination System (NPDES) Permit, including preparation of a Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP).

Although complete utilization of diverted flows on site is anticipated through project implementation, under storm conditions there may be return flow back into Slater Channel off the project site. As these flows would have been improved by the treatment system, they would, by definition, present an improved condition over the current water quality conditions in Slater Channel. However, a monitoring program would be implemented to quantify project performance and to allow for adjustments to the system if required; this monitoring program would provide feedback relative to the water quality objectives for Slater Channel and Outer Bolsa Bay. The details of this monitoring program would be developed as part of the Adaptive Management Plan portion of the project's Operation and Maintenance Manual. Accordingly, as discussed in standard condition SC-2 in the MND, compliance with existing NPDES Permit conditions would ensure water quality standards would be maintained. There would be a less than significant impact and no new mitigation or alterations to SC-2 would be required.

As discussed further in the Hazards and Hazardous Materials analysis (threshold "b" beginning on page 196 of the MND), mitigation measure HM-3 requires that soils excavated on the project site be tested for potential contaminants, and also requires that if hazardous materials are encountered, the handling and remediation of the contaminated materials be performed in consultation with the appropriate regulatory agency(ies). If contaminated materials are encountered during excavation activities and if landfill disposal is then determined to be the remedial method of choice, the City would be required to implement all applicable regulations related to the investigation, remediation, and/or transport of such materials. This would include soils testing in compliance with Orange County (OC) Waste and Recycling requirements prior to landfill disposal.

Regulatory programs and practices related to the management of hazardous materials occur independently of the CEQA process and would be a requirement of the City regardless of any conditions implemented through the MND. Therefore, mitigation defining City compliance with these standard regulatory conditions is not required through the CEQA process.

A-1(b): The rubber dam within the EGGWC will only be deflated during periods of storm flow or within 24 hours of a forecasted rainfall event of 1 inch or greater. At these times, channel flows would likely see simultaneous overflow of polished water from Talbert Lake into Slater Channel, and downstream into Outer Bolsa Bay. This process would achieve the same benefits associated with manual backpassing of polished lake flows into the EGGWC at the dam site without the environmental impacts associated with flow conveyance back to the diversion site.

Response to Comment A-2
Table 12.4-3 from MND page 156 has been modified to reflect current beneficial uses of the EGGWC's downstream receiving waters as indicated within this comment (please see Section IV of this document for updated table).

The species listed on page 107 of the MND are native species to the region. It is the intent of the Wetlands Restoration Program to use only plant species native to the region. These species would not have an adverse impact on sensitive wetlands ecosystems if they managed to reach the Bolsa Chica Wetlands and/or Huntington Harbor Ecosystems.

Project design and proactive operation and maintenance features would minimize the risk of problematic algae growth within the project area. The proposed project design of Talbert Lake would create conditions that are not favorable to the establishment or growth of algae. In addition, periodic application of a specially formulated dye into Talbert Lake will be a maintenance activity that proactively ensures that algae growth does not occur. This dye, known by the product name 'Aquashade,' is a water-soluble liquid dye that is designed specifically for lake and aqua-feature operations. A blend of blue and yellow dyes, it is designed to screen/shade the portions of the sunlight spectrum needed for photosynthetic processes (red-orange and blue-violet), thereby reducing both aquatic plant and algae growth. If applied early enough in the season, algae growth may never occur, constituting a proactive lake management approach to algae control by focusing on lake operating conditions, rather than the reactive application of more evasive chemical treatment such as algaecides (i.e., copper sulfate), chlorine, herbicides, calcium hydroxide or calcium carbonate, and alum treatment. There would be no detrimental effect to the water quality or wildlife within Central Park, or downstream if lake water is discharged back into Slater Channel. Application of this product creates no restrictions on recreational activities involving water use or irrigation. Natural chemical and biological processes break the product down (biodegrade) into simpler, natural basic compounds that are recycled within the environment. They do not build up as residues in fish and do not affect the fish food chain. The typical application rate is about one gallon per four acre-feet of water. Sunlight eventually breaks down the dye in about six to ten weeks.

Page 57 of the Draft MND acknowledges that Huntington Harbor is on the Clean Water Act's Section 303(d) list for lead, copper, and chlordane, nickel, pathogens, PCBs, and sediment toxicity.

Response to Comment A-3
Dry weather flows entering the existing habitat areas within Central Park are largely non-point source in origin and enter the park through the municipal storm drain system. The quality of these flows is generally poor; it is not expected that, given the water quality treatment features of the project, incoming flows from the EGGWC would result in a deteriorated condition over the no project condition. It is expected that wildlife would be attracted to the enhanced riparian areas and, with design features that focus on the removal of metals from incoming flows built into the EGGWC diversion site, the risk to wildlife that use Central Park's restored habitats would be considered negligible. The improvement to water quality downstream at the Bolsa Chica and Huntington Harbor Wetland habitats is expected to greatly offset any potential minor localized impacts. An Operation and Management Plan will be developed and will include measures that minimize any potential project impacts on nesting birds.

Letter B

Department of Toxic Substances Control

Maureen F. Gorsen, Director
5796 Corporate Avenue
Cypress, California 90630

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

July 21, 2008

Ms. Jennifer Villasenor
Project Planner
City of Huntington Beach
2000 South Main Street
Huntington Beach, California 92648
jvillasenor@surfcity-hb.org

PUBLIC NOTICE OF A MITIGATED NEGATIVE DECLARATION FOR THE TALBERT LAKE DIVERSION, ENVIRONMENTAL ASSESSMENT NO. 08-003 PROJECT, 18000 GOLDENWEST STREET, HUNTINGTON BEACH, ORANGE COUNTY (SCH#2008061097).

Dear Ms. Villasenor;

The Department of Toxic Substances Control (DTSC) has received your submitted Initial Study/Mitigated Negative Declaration (ND) for the above-mentioned project. Your document states: "The proposed project is a Santa Ana Regional Water Quality Control Board-approved Supplemental Environmental Project (SEP) involving the construction of a natural treatment system in the northeastern corner of Central Park in Huntington Beach, on the eastern side of Goldenwest Street. The proposed project would divert up to 3 million gallons per day (mgd) of dry weather flows from the East Garden Grove Wintersburg Channel (EGGWC) into a newly constructed treatment wetlands system for water quality improvement purposes. The constructed wetlands would be located in the northeastern corner of Central Park (between Slater Avenue and Talbert Avenue to the north and south, and Goldenwest Street and Gothard Street to the west and east. Project components include the construction of a diversion structure such as a rubber dam within the EGGWC to divert dry weather flows either into an existing water line in Goldenwest Street, or the existing storm drain system within Gothard Street, for transport to the newly constructed treatment wetlands within Central Park. These treatment wetlands would consist of three linear wetland features encompassing open water and channel areas and channels through which diverted channel flows would move and be subjected to a series of natural treatment processes improving overall water quality. These improved flows would move downstream into a restored and reconfigured Talbert

Lake, which would provide additional water quality refinement and recreational/environmental enhancement benefits. These improved flows could be used for park irrigation purposes, if sufficient water is available, or pass back into Slater Channel under period of higher flow." DTSC has the following comments; please address if applicable.

1) The ND should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances, and any known or potentially contaminated sites within the proposed Project area. For all identified sites, the ND should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the pertinent regulatory agencies:

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- Envirostor: A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

1

Ms. Jennifer Villasenor
July 21, 2008
Page 3 of 6

2) Your document states: "The City of Huntington Beach has identified 20 hazardous materials operations within city limits, and 2 are located near the project site. The first is Chevron's Huntington Beach Terminal at 17881 Gothard Street. The second hazardous materials operations site is the former Huntington Beach Police Officer's Associations (POA) Range. According to DTSC's EnviroStor, there are several listed sites within one-quarter mile of the site. All but one of these sites are Leaking Underground Fuel Tank (LUFT) sites. Also listed on the EnviroStor database near the site is one "military evaluation" site, Ryan Aeronautical Corporation near the intersection of Gothard Street and Talbert Avenue." The ND should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents. The Huntington Beach Firing Range Site is listed on EnviroStor (site no. 30790004). Please see comment No. 14 below for more information about regulatory oversight. 2

3) Your document states: "...HM-2 requires the preparation of a Phase I Environmental Site Assessment for the site prior to final project specifications. The existing and abandoned oil pipelines shall be potholed prior to initiation of construction activities to determine the exact locations of the pipelines...HM-3 requires that the soils displaced during potholing operations be tested for potential contaminants. If any hydrocarbon-contaminated soils or other hazardous materials on proposed project construction sites are to be transported off site, the transport shall be conducted by a properly licensed Hazardous Waste Hauler..." All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table. 3

4) Proper investigation, sampling and remedial actions overseen by the respective regulatory agencies, if necessary, should be conducted at the site prior to the new development or any construction. All closure, certification or remediation approval reports by these agencies should be included in the ND. 4

5) If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall within the 5

"Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a Border Zone Property. — 5 cont.

6) If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies. — 6

7) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination. — 7

8) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment. — 8

9) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. — 9

10) Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. — 10

11) If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB). 11

12) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. 12

13) Your document states: "Early uses on the Central Park site consisted largely of agricultural and pastoral activities." If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project. 13

14) EnviroStor is a database primarily used by the California Department of Toxic Substances Control, and is accessible through DTSC's website. DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies, or a 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. 14

15) In future CEQA documents please provide contact person's title and email address. Also, if the project title changes, please provide historical project title(s). 15

If you have any questions regarding this letter, please contact Teresa Hom, Project Manager, preferably at thom@dtsc.ca.gov. Her phone is (714) 484-5477.

Sincerely,

Mr. Greg Holmes
Unit Chief
Brownfield and Environmental Restoration Program – Cypress Office

cc: See next page.

Ms. Jennifer Villasenor
July 21, 2008
Page 6 of 6

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
1001 I Street, 22nd Floor, M.S. 22-2
Sacramento, California 95814
gmoskat@dtsc.ca.gov

CEQA#2217

Response to Comment B-1
Comment acknowledged. As discussed on pages 57 and 196 of the MND, current and historic uses of the proposed project site were researched through the use of accessible data sources, and it was determined that the site may have been impacted by a release of hazardous materials/waste. A Phase I Environmental Site Assessment (ESA) is required by mitigation measure HM-2; this would require further review of all relevant databases in accordance with the American Society for Testing and Materials (ASTM) E 1527-05 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process and the United Stated Environmental Protection Agency (USEPA) Standards and Practices for All Appropriate Inquiries (40CFR Part 312).

Response to Comment B-2
Comment acknowledged. Mitigation measure HM-3 states that the City coordinate with the appropriate regulatory agency(ies) in the event that on-site contamination is encountered during site review or project implementation. Regulatory programs and practices related to the hazardous materials management occur independently of the CEQA process and would be required of the City regardless of any conditions implemented through the MND. The City would comply with all applicable regulations and requirements of the oversight agency. The determination of which agency(ies) would have oversight cannot be determined at this stage of project development as this decision is determined based on the type and concentration of the contaminant, the medium (e.g., soil, groundwater), and other site-specific factors. Therefore, mitigation that defines City compliance with these standard regulatory conditions is not required through the CEQA process.

The Huntington Beach firing range is discussed on page 196 of the Draft MND.

Response to Comment B-3:
Comment acknowledged. The Phase I and Phase II ESAs have not yet been performed for the project site. Therefore, no investigative findings are included in the MND. Mitigation measure HM-2 requires the preparation of a Phase I ESA. Mitigation measure HM-3 requires the City to consult with appropriate regulatory agency(ies) in the event that on-site contamination is encountered during site review or project implementation.

Regulatory programs and practices related to hazardous materials management occur independently of the CEQA process and would be a requirement of the City regardless of any conditions implemented through the MND. The City would comply with all applicable regulations and requirements of the oversight agency. Therefore, mitigation that defines City compliance with these standard regulatory conditions and inclusion of associated investigated results, if a site investigation is conducted, is not required through the CEQA process.

All environmental investigations, sampling, and/or remediation would be performed under a workplan approved by the regulatory agency with jurisdiction over hazardous substance cleanup.

Response to Comment B-4
Comment acknowledged. Please refer to response to comment B-3.

Response to Comment B-5
Comment acknowledged. Mitigation measure HM-2 requires the preparation of a Phase I ESA. Pursuant to the ASTM E 1527-05 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process and the USEPA's Standards and Practices for All Appropriate Inquiries (40 *Code of Federal Regulations* [CFR] Part 312), the Phase I ESA

would research and review potential off-site land uses that could have impacted the project site with hazardous materials.

Response to Comment B-6
Demolition activities that would occur with project implementation would be limited to a small area of concrete removal in the EGGWC to facilitate construction of the selected diversion structure. There would be no habitable buildings or other structures demolished as part of the proposed project that contain asbestos-containing materials, lead-based paint, mercury, or polychlorinated biphenyls. Accordingly, there would be no impact and no mitigation is necessary.

Response to Comment B-7
Comment acknowledged. As discussed further in the Hazards and Hazardous Materials analysis, threshold "b" (page 196 of the Draft MND), mitigation measure HM-3 requires that soils excavated on the project site be tested for potential contaminants, and indicates that if hazardous materials are encountered, the handling and remediation of the contaminated materials be performed in consultation with the appropriate regulatory agency(ies). If contaminated materials are encountered during excavation activities and if landfill disposal is then determined to be the remediation method of choice, the City would be required to implement all applicable regulations related to the investigation, remediation, and/or transport of such materials. This would include testing soils in compliance with OC Waste and Recycling requirements prior to landfill disposal. Import of soil is not anticipated.

Regulatory programs and practices related to hazardous materials management occur independently of the CEQA process and would be a requirement of the City regardless of any conditions implemented through the MND. Therefore, mitigation defining City compliance with these standard regulatory conditions is not required through the CEQA process.

Response to Comment B-8
Comment acknowledged. The need for a health risk assessment depends on whether or not hazardous materials contamination is found on the site, which, in turn depends on the results of the Phase I, and, if necessary, Phase II ESA. These investigations and related determinations are not required to complete the CEQA documentation (please refer to response to Comment B-3).

Response to Comment B-9
It is not anticipated that hazardous waste would be generated from proposed project operations. All discharges from the project site would be required to be in compliance with all conditions of the City's existing NPDES Permit, as discussed in the Draft MND (beginning on page 143). Accordingly, the Draft MND has concluded that, with compliance with the existing NPDES Permit requirements (SC-2), there would be less than significant impacts related to water quality standards and waste discharge.

Response to Comment B-10
Comment acknowledged. The City of Huntington Beach would comply with all applicable regulations and requirements related to investigation, handling, and remediation of any hazardous materials that are encountered on the project site, up to and including authorization from the Certified Unified Program Agency (CUPA), if determined necessary by the oversight agency(ies).

Regulatory programs and practices related to the hazardous materials management occur independently of the CEQA process and would be a requirement of the City regardless of any

conditions implemented through the MND. Therefore, mitigation defining City compliance with these standard regulatory conditions is not required through the CEQA process.

Response to Comment B-11
Comment acknowledged. Please refer to response to comment B-10.

Response to Comment B-12
As discussed further in the Hazards and Hazardous Materials analysis (threshold "b" beginning on page 196 of the Draft MND), mitigation measure HM-3 requires that soils excavated on the project site be tested for potential contaminants and requires that, if hazardous materials are encountered, the handling and remediation of the contaminated materials be performed in consultation with the appropriate regulatory agency(ies). If contaminated materials are encountered during excavation activities and if landfill disposal is then determined to be the remedial method of choice, the City would be required to implement all applicable regulations related to the investigation, remediation, and/or transport of such materials. Regulatory programs and practices related to the hazardous materials management occurs independently of the CEQA process and would be required of the City regardless of any conditions implemented through the MND. Therefore, mitigation defining City compliance with these standard regulatory conditions is not required through the CEQA process.

Response to Comment B-13
Mitigation measure HM-2 requires the preparation of a Phase I ESA. Pursuant to the ASTM E 1527-05 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process and the USEPA Standards and Practices for All Appropriate Inquiries (40 CFR Part 312), the Phase I ESA would include review of potential historic land uses that could have impacted the project site with hazardous materials, including chemicals or related residue from agricultural activities.

Response to Comment B-14
Comment acknowledged. This comment is noted and will be considered by the lead agency in the event that on-site remediation is required.

Response to Comment B-15
Comment acknowledged. This comment is noted and will be considered by the lead agency for future CEQA document submittals to the Department of Toxic Substances Control.

This page intentionally left blank

Letter C

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2267
Fax: (949) 724-2592

Flex your power!
Be energy efficient!

City of Huntington Beach
JUL – 2 2008

June 27, 2008

Ms. Jennifer Villasenor
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

File: IGR/CEQA
SCH#: 2008061097
Log #: 2082
SR-39

Subject: Talbert Lake Diversion Project

Dear Ms. Villasenor

Thank you for the opportunity to review and comment on the **Initial Study and Mitigated Negative Declaration for the Talbert Lake Diversion Project.** The proposed project is a Santa Ana Regional Water Quality Control Board-approved Supplemental Environmental Project that is centered around the construction of a natural treatment system that would divert up to 3 million gallons per day of dry weather flows. The nearest State route to the project site is SR-39.

The California Department of Transportation (Department), District 12 is a commenting agency on this project and has no comment at this time. However, in the event of any activity within the Department's right-of-way, an encroachment permit will be required. 1

Please continue to keep us informed of this project and any future developments, which could potentially, impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Damon Davis at (949) 440-3487.

Sincerely,

Ryan Chamberlain, Branch Chief
Local Development/Intergovernmental Review

C: Terry Roberts, Office of Planning and Research

"Caltrans improves mobility across California"

This page intentionally left blank

Response to Comment C-1
Comment acknowledged. It is not anticipated that proposed project implementation will occur within the California Department of Transportation's right-of-way.

This page intentionally left blank

Letter D

STATE OF CALIFORNIA — Arnold Schwarzenegger, Governor

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
e-mail: ds_nahc@pacbell.net

RECEIVED
JUL - 3 2008
STATE CLEARING HOUSE

Clear 7-7-08 e

June 25, 2998

Ms. Jennifer Villasenor
CITY OF HUNTINGTON BEACH
2000 Main Street
Huntington Beach, CA 92648

Re: SCH#2008061097; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Talbert Lake Diversion Project; City of Huntington Beach; Orange County, California

Dear Ms. Villasenor:

The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) 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 California Code of Regulations §15064.5(b)(c (CEQA guidelines). Section 15382 of the 2007 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. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

√ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur.. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ http://www.ohp.parks.ca.gov. The record search will determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.

√ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

√ Contact the Native American Heritage Commission (NAHC) for:

* A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section: .

- The NAHC advises the use of Native American Monitors, when profession archaeologists or the equivalent are employed by project proponents, in order to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).

√ Lack of surface evidence of archeological resources does not preclude their subsurface existence.

- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

1

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

√ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

1 cont.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Native American Contacts
Orange County
June 25, 2008

Ti'At Society
Cindi Alvitre
6515 E. Seaside Walk, #C Gabrielino
Long Beach , CA 90803
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino/Tongva Council / Gabrielino Tongva Nation
Sam Dunlap, Tribal Secretary
761 Terminal Street; Bldg 1, 2nd floor Gabrielino Tongva
Los Angeles , CA 90021
office @tongvatribe.net
(213) 489-5001 - Office
(909) 262-9351 - cell
(213) 489-5002 Fax

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
31742 Via Belardes Juaneno
San Juan Capistrano , CA 92675
DavidBelardes@hotmail.com
(949) 493-0959
(949) 493-1601 Fax

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

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
, Gabrielino Tongva
tattnlaw@gmail.com
310-570-6567

Gabrielino Tongva Indians of California Tribal Council
Robert Dorame, Tribal Chair/Cultural Resources
5450 Slauson, Ave, Suite 151 PMB Gabrielino Tongva
Culver City , CA 90230
gtongva@verizon.net
562-761-6417 - voice
562-925-7989 - fax

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
ChiefRBwife@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 Fax

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry , Tribal Manager & Cultural Resources
31742 Via Belardes Juaneno
San Juan Capistrano , CA 92675
kaamalam@cox.net
(949) 493-0959
(949) 293-8522 Cell
(949) 493-1601 Fax

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

Distribution of this list does not relieve any person of 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 only applicable for contacting local Native Americans with regard to cultural resources for the propose SCH#2008061097; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Talbert Lake Diversion Project; City of Huntington Beach; Orange County, California.

Native American Contacts
Orange County
June 25, 2008

Juaneno Band of Mission Indians
Alfred Cruz, Culural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
slfredgcruz@sbcglobal.net

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

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

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

Juaneno Band of Mission Indians
Joe Ocampo, Chairperson
1108 E. 4th Street Juaneno
Santa Ana , CA 92701
(714) 547-9676
(714) 623-0709-cell

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

Distribution of this list does not relieve any person of 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 only applicable for contacting local Native Americans with regard to cultural resources for the propose SCH#2008061097; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Talbert Lake Diversion Project; City of Huntington Beach; Orange County, California.

Response to Comment D-1
Comment acknowledged. Project investigations included a Phase I Study which incorporated a California Historical Resources Information System (CHRIS) records search; Native American Heritage Commission (NAHC) notification, survey, and report; and a Paleontological records search. Recommendations contained in these reports included the following:

- Monitoring in the vicinity of the bluffs overlooking the Lakes area (a large archaeological site is recorded immediately off the property to the southwest).
- If cultural resources are discovered, they should be evaluated and, if significant, a Treatment Plan should be developed by the federal agency and all interested parties.
- In the event of a discovery of Native American remains, the California *Health and Safety Code* (§7050.5), the California *Public Resources Code* (§5097.98), and the requirements of CEQA (§15064.5[e]) will be followed;
- Paleontological monitoring in deeper Younger Alluvium and all Older Alluvium was recommended.

Based on this analysis, and the cultural resources mitigation measures contained in the Draft MND on pages 230 and 231, the City has complied with the recommendations from the NAHC contained within this correspondence.

This page intentionally left blank

07/21/2008 09:55 714-667-8344 COMM. & ADU. PLNG. PAGE 02/02 **Letter E**

ORANGE COUNTY
OC Public Works
Our Community. Our Commitment.

Bryan Speegle, 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 08-049

July 18, 2008

Ms. Jennifer Villasenor
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

SUBJECT: Talbert Lake Diversion Project

Dear Ms. Villasenor:

The above mentioned item is an Initial Study/Mitigated Negative Declaration (IS/MND) for the Talbert Lake Diversion Project located in the City of Huntington Beach.

The County of Orange has reviewed the IS/MND and offers the following comments regarding flood control concerns:

1. A cooperative agreement between the City of Huntington Beach and Orange County Flood Control District (OCFCD) may be required in order for the City to construct a diversion structure such as a rubber dam within the East Garden Grove Wintersburg Channel (C05) to divert dry weather flows into an existing waterline or an existing storm drain system for transport to the City's newly constructed treatment wetlands within the City's central Park. 1

2. All work within OCFCD rights-of-way should be performed in a manner that will not adversely impact the hydraulic flow conditions and maintenance requirements of OCFCD facilities. 2

3. All work within, over and/or under OCFCD and County of Orange right-of-way should be conducted only after receiving an encroachment permit from the Orange County Property Permits. For information regarding OC Property Permits application processes, OC Property Permits Section should be contacted at (714)834-5529. 3

Sincerely,

Ronald L. Tippets, Chief
Current and Environmental Planning

This page intentionally left blank

Response to Comment E-1
Comment acknowledged. The City has met on numerous occasions with staff from the County of Orange Flood Control District (OCFCD) to discuss the project, with specific emphasis on the proposed diversion structure. The County of Orange is a project partner and is working with the City's project team in determining what permits and agreements would be necessary in order to install and operate the diversion structure. All necessary permits and/or agreements would be in place prior to construction.

Response to Comment E-2
Comment acknowledged. The proposed project would be designed to ensure that there is no negative impact to hydraulic flow conditions within the EGGWC. As stated on page 64 of the Draft MND, the project's Operations and Maintenance Plan would be developed in a manner that ensures the diversion structure that is placed within the EGGWC would result in no project-induced alterations to the EGGWC flood-control capacity. Proposed project operation would not alter the County of Orange's channel maintenance requirements.

Response to Comment E-3
Comment acknowledged. The City of Huntington Beach would work with the County of Orange Property Permits Division to obtain all permits required for work proposed within the County of Orange's and OCFCD's jurisdiction.

This page intentionally left blank

Letter F

JUL-18-2008 15:46 OC WATER DISTRICT 7143783369 P.002

ORANGE COUNTY WATER DISTRICT
ORANGE COUNTY'S GROUNDWATER AUTHORITY

July 18, 2008

Ms. Jennifer Villasenor
Planning Department
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Subject: Talbert Lake Diversion Project Mitigated Negative Declaration

Dear Ms. Villasenor,

The purpose of this letter is to provide comments from the Orange County Water District (OCWD) on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the city of Huntington Beach Talbert Lake Diversion Project. The mission of OCWD is to provide for the protection and management of the Orange County Groundwater Basin to ensure adequate amounts of high quality groundwater supplies are available for the residents of Orange County. Our comments below are generally consistent with prior discussions between OCWD and Huntington Beach staff regarding the subject project concept.

1. Water Quality

a.) The project site is included within the Region 8 of the Regional Water Quality Control Board. For Region 8 the Santa Ana River Basin Plan is the adopted Water Quality Control Plan that provides for the protection of surface waters and groundwater basins within the Santa Ana Watershed. The Basin Plan establishes specific beneficial uses and water quality objectives for the Orange County Groundwater Basin. The IS/MND has determined that the proposed project would result in less than significant impacts in regards to violation of any water quality standard. However, the IS/MND does not address any consistency or potential conflicts with the beneficial uses and water quality objectives established by the Basin Plan for the Orange County Groundwater Basin. The IS/MND should provide a beneficial use consistency analysis and an evaluation how the project would meet the water quality objectives established in the Basin Plan for the Orange County Groundwater Basin. 1

b.) The IS/MND (p. 61) lists water quality monitoring data for the East Garden Grove Wintersburg Channel (EGGWC) showing total dissolved solids (TDS) concentrations ranging from 1,200 to 8,700 mg/L. These concentrations substantially exceed the Basin Plan TDS Objective of 583 mg/L and could degrade groundwater quality if these are representative of the water proposed to be diverted and infiltrated. Since the water sample locations appear to be downstream of the 2

PO Box 8300
Fountain Valley, CA 92728-8300
18700 Ward Street
Fountain Valley, CA 92708
(714) 378-3200
(714) 378-3373 fax
www.ocwd.com

proposed diversion area(s), it is possible that these data may be influenced by high-salinity tidal water and may not be representative of the quality of the water to be diverted to the proposed wetlands. The IS/MND should adequately characterize the expected quality of the diversion water, particularly with respect to TDS and other dissolved constituents that are not likely be removed by the wetlands treatment process, and its potential impacts to receiving groundwater via infiltration. — 2 cont.

c.) Because the proposed project may infiltrate significant quantities of water to the aquifer, the IS/MND should characterize the ambient groundwater quality as part of the impacts analysis. The current document contains no information on the receiving groundwater quality, particularly TDS and nitrate, as compared to the proposed infiltrated water quality. — 3

d.) The IS/MND indicates that an Operations and Maintenance (O&M) Plan will be prepared that will include diversion water quality monitoring for water flowing into and out of the wetlands treatment process. We agree that influent/effluent water quality monitoring should be performed regularly throughout the operation of this project. The EGGWC receives water from a large urban area, and spills and releases to this urban watershed could impact the quality of the water diverted to the wetlands and, ultimately, to the groundwater. The IS/MND should include a detailed water quality monitoring plan listing the water sampling locations, sampling frequency, analytes, and supporting rationale. We also request that the IS/MND describe how this information will be periodically reviewed and report, as well as what measures will be employed to mitigate any negative water quality impacts. — 4

e.) The IS/MND indicates that the O&M Plan will include monitoring of the volumes of water that is diverted and flows into and out of the wetlands. We agree and request that the IS/MND include a more detailed description of the points of inflow/outflow measurement, frequency of measurements, and method for determining how much water infiltrates into the groundwater. We also request that the IS/MND describe how this information will be periodically reviewed and reported. — 5

f.) Various alternative diversion locations and structures were described in the IS/MND. It is important that an alternative (and accompanying O&M procedures) be selected that ensures that high-salinity tidal water is not diverted to the wetlands and ultimately infiltrated to the groundwater. On-line monitoring of electrical conductance, or other means of determining suitability of water prior to diversion, should be included in the project and O&M Plan. — 6

2. Shallow Groundwater/Liquefaction

a.) The IS/MND indicates that the proposed project lies within a seismically active area where depth to groundwater is 5 to 30 feet below ground surface. The IS/MND states that a geotechnical investigation will be conducted (p. 141), but it does not indicate whether this investigation will address whether infiltrated water from the project will contribute to liquefaction potential by increasing shallow groundwater levels. Such an impacts analysis should be performed as part of the IS/MND. In addition, the IS/MND should include a plan to — 7

monitor shallow groundwater levels in the vicinity of the project during operation. The IS/MND should also include a mitigation plan in the event the project is found to significantly contribute to seismic hazards. 7 cont.

3. Plume Migration

a.) The IS/MND states that 12 leaky underground fuel tank (LUFT) sites are located within one-quarter mile of the project site. The potential increased groundwater recharge occurring at the project site could result in larger localized mounding. A larger recharge mound could affect the movement of groundwater contaminant plumes from these LUFT sites. To determine the potential for plume migration, the IS/MND should evaluate the extent of any groundwater mound that may be created by the proposed project and the extent to which this mound could affect the movement of any LUFT site plumes in the site vicinity. 8

Thank you for the opportunity to provide comments on the proposed Talbert Lake Diversion Project IS/MND. We look forward to discussing this project further with you.

Sincerely,

for Craig D. Miller, PE
Assistant General Manager

cc: Greg Woodside, OCWD

TOTAL P.004

This page intentionally left blank

Response to Comment F-1

The proposed water quality treatment project and its operation would be consistent with the RWQCB's numerical objectives outlined in the Santa Ana River Basin Plan for groundwater. These numerical objectives include Total Dissolved Solids (TDS) at 580 milligrams per liter (mg/L) and nitrate ($N0_3$) at 3.4 mg/L. Water that is diverted from the EGGWC would be treated through a sophisticated wetland treatment system designed to have high efficiency removal rates owing to the incorporation and integration of many enhanced features. The treated flows from the wetland system would discharge into Talbert Lake with much lower constituent concentrations than the incoming flows; this improved water would then be available for infiltration into the groundwater aquifer.

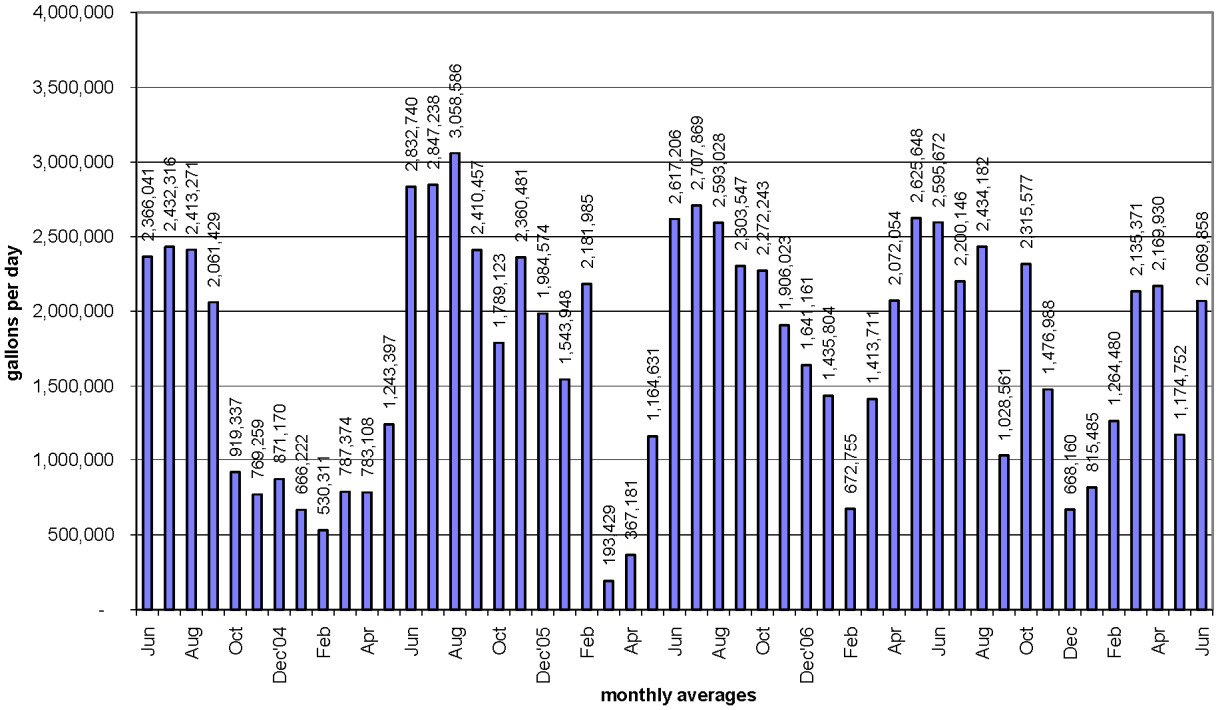
An updated quantitative assessment was performed for the proposed treatment system in order to evaluate compatibility of the treated flows with the Santa Ana River Basin Plan's groundwater numerical objectives. This updated analysis relies on more current dry weather urban runoff water quality monitoring data (updated to 2007) from the County of Orange for the EGGWC and better characterizes the distance the proposed diversion location is from the channel. This updated analysis focuses on nitrate removal efficiencies of the wetland treatment system nitrate concentrations.

The proposed natural treatment system would not have any effect on TDS concentrations of incoming diverted flows. Based on these recent monitoring data, the average TDS concentration in the channel at the diversion site is 423 mg/L, which is lower than the objectives stated in the Basin Plan. Accordingly, TDS should not be a concern.

Analysis of the wetland treatment system's effect on NO_3 concentrations used average removal rates experienced by similar natural treatment wetlands by applying a mass balance method. The wetland nitrate removal rates vary annually based on seasonal vegetative growing periods and associated dependence on temperature. Measurements taken within similar systems indicate that winter NO_3 removal rates averaged 0.7 kilograms per acre per day (kg/acre/day), and spring/summer removal rates averaged 2.4 kg/acre/day. These removal rates may prove to be conservative for the proposed project as the Talbert Lake Diversion project incorporates many enhanced features within the overall treatment trains, as well as additional polishing and denitrification features within the lake itself. In addition, dry weather flow rates within the EGGWC are typically the highest in the summer months, when treatment efficiencies are highest; as shown in Figure 1, Orange County Sanitation District's regional dry weather urban runoff diversion program identifies the highest dry weather flow beginning in June of every year.

Figure 1

Orange County Sanitation District
Dry Weather Urban Runoff Diversion Monthly Averages, gpd



Source: Orange County Sanitation District

Nitrate concentration removal efficiencies were assessed for the proposed project by using average inflowing EGGWC concentrations from varying diversion flow rates (as illustrated in Table 1 below) and applying them to 9.4 acres of treatment wetlands. Average annual outflow concentrations (Table 1) indicate that the Talbert Lake Wetland Treatment System could be operated continuously at about 1.25 million gallons per day (mgd) without exceeding the Basin Plan's limitations of 3.4 mg/L for NO_3.

Table 1 – Summary of Estimated Nitrate Removal from EGGWC Diverted Flows

Inflow from EGWC			Treated Outflow Concentration		Average Annual Outflow Concentration (mg/L)
Diversion Flowrate (mgd)	Water Volume/day (L)	Inflow $N0_3$ (kg/day)	Spring (mg/L)	Winter (mg/L)	
0.5	1,892,783	12.66	0.0*	3.2*	**1.6***
1.0	3,785,566	25.32	0.7*	4.9	**2.8***
2.0	7,571,132	50.65	3.8	5.8	**4.8**

mgd – million gallons per day
L – liters
kg/day – Kilograms per day
mg/L – milligrams per liter

* Below Basin Plan numerical limits for $N0_3$

Source: PACE 2007.

As shown in the table, the average NO_3 removal rates for the summer/spring and winter/fall periods result in average annual concentrations for Talbert Lake that are lower than the Santa

Ana River Basin Plan's limits for estimated lake inflow rates of 0.5 mgd and 1.0 mgd. As indicated above, the estimated maximum constant flow rate that would remain below Basin Plan limits would be 1.25 mgd; however, due to the conservative assumptions built into this analysis, it is likely the system can actually operate with higher inflows and still remain under Basin Plan limits.

The proposed project's water quality treatment efficiencies would be further enhanced through the use of an Adaptive Management Plan, which will be developed as part of the project's Operations and Maintenance Manual. Water quality parameters would be monitored on a quarterly basis at the diversion location and at several locations throughout the treatment system in order to evaluate functioning efficiencies of the system, which allows for real-time adjustments to be made if necessary. Please see the response to Comment F-4 for a detailed description of the Water Quality Monitoring Program.

Response to Comment F-2
Comment acknowledged. More recent dry weather water quality monitoring data were obtained from the County of Orange for the EGGWC at the Gothard Avenue Bridge, which accurately characterizes dry weather water quality at the channel's proposed diversion location. The recorded field sampling data were obtained for the period of record between December 1991 and February 2007. Average dry weather concentration over this period for TDS was 423 mg/L, while the $N0_3$ concentration was 6.69 mg/L. The average TDS value does not exceed the Basin Plan's groundwater objective (580 mg/L), and the wetland treatment system would generally have little effect on this value. The average NO_3 concentration does exceed the Basin Plan's groundwater objective (3.4 mg/L), but the wetland treatment system would be effective in removing nitrate and would be operated to ensure that the NO_3 concentrations meet Basin Plan objectives (see Response to Comment F-1).

Response to Comment F-3
As part of the Adaptive Management Plan discussed in the response to Comment F-1 above, the Water Quality Monitoring Program detailed below in the response to Comment F-4 will include periodically testing the water quality in Talbert Lake to confirm that TDS and nitrate levels meet the objectives outlined in the Basin Plan. Water quality testing in Talbert Lake would be used to ensure that groundwater infiltration from Talbert Lake is consistent with the Basin Plan's water quality objectives and that any impacts to ambient groundwater quality will be less than significant. If negative impacts to groundwater are detected through the monitoring program, actions that may be taken to maintain these impacts at a less than significant level include adjusting the flows into each treatment train to optimize pollutant removals and/or adjusting the diverted flows into the project from the EGGWC.

Response to Comment F-4
A comprehensive Water Quality Monitoring Program will be implemented as part of the Adaptive Management Plan developed for ongoing operations and maintenance of the Talbert Lake Diversion Project. Flow measurement along with water quality testing will be conducted to ensure any discharge from Talbert Lake via groundwater infiltration or any lake overflow into Slater Channel will meet the water quality objectives of the Santa Ana Region Basin Plan, Slater Channel, and Outer Bolsa Bay. The following is a brief outline of the monitoring program's features.

<u>Flow Measurement:</u>

- Continuous flow monitoring at the EGGWC pump station.
- Continuous flow monitoring at the upstream end of each wetland treatment train.

- Continuous flow measurement of surface outflow from Talbert Lake (under high-flow conditions).

Groundwater Monitoring:

- Monitoring of groundwater levels around the project site during the same period as the water balance calculation (see below under 'Data Evaluation and Analyses').

Water Quality Testing:

- Quarterly (minimum) water quality testing of dry weather nuisance flow in the EGGWC.
    - Determination of pollutant concentrations to establish inflow concentrations.
    - Water quality testing to measure various constituents including TDS, total suspended solids (TSS), nutrients, metals, bacteria and pesticides.
- Quarterly (minimum) water quality testing at the downstream end of each treatment train.
- Quarterly (minimum) water quality testing in Talbert Lake.

Data Evaluation and Analyses:

- Evaluation of pollutant removal efficiencies in each treatment train.
- Confirmation that discharge from the wetland treatment system meets or exceeds water quality objectives of the Santa Ana Region Basin Plan and other downstream receiving waters.
- Utilization of input/output measurements, including continuous inflow monitoring, rainfall data, evaporation data, outflow measurement, and irrigation pumping data to perform a mass water balance calculation that estimates the amount of groundwater infiltration from Talbert Lake. This analysis will likely be done over a period of one month at least twice a year.
- Comparison of the volume of water infiltrated with groundwater levels to confirm less than significant impact to groundwater levels in the vicinity of the project site.

Actions (if necessary):

- Adjustment of flows into each treatment train to optimize pollutant removals.
- Adjustment of diverted flows from the EGGWC if unacceptable groundwater levels are observed.
- Preventative measures that may be incorporated if lake water quality falls short of established water quality objectives.
    - Evaluation of the source water (EGGWC) and wetland removal efficiencies to determine why objectives are not being met.
    - Temporary reduction of flow infiltration or overflow into Slater Channel by adjusting flow rate into the system.
    - Permanent reduction of infiltration rates through the installation of a partial or whole lake liner. If selected as an appropriate method to reduce infiltration, lake lining would be accomplished with the use of ESS-13 ('Environmental Soil Sealant'). ESS-13 is a USEPA-compliant product that contains surfactants and a vegetable oil liquid polymer emulsion that can be poured into the water for eventual mixing with the lake's bottom sediments. Once mixed with bottom sediments, the product essentially fills the voids between soil particles, thereby reducing infiltration. Product testing indicates that it is non-toxic at standard concentrations, and has been applied in environmental restoration project settings.[1]
    - Installation of additional treatment measures in the wetland treatment system such as water quality filters.

[1] Seepage Control, Inc. 2005 (May, revision date). Technical Information: MSDS Sheet. Chandler, AZ: Seepage Control, Inc. http://www.seepagecontrol.com/technical.html.

Monitoring Program Reporting and Documentation:

- An annual monitoring report will be prepared that summarize the results and recommendations for each monitoring period. During the first several years of project operation, interim reports will be prepared on an as-needed basis. Monitoring program results (including flow measurements, water quality testing results), and groundwater levels will be recorded in a technical memorandum and referenced on an overall project map showing exact location of each measurement.

Response to Comment F-5
Please refer to the response to Comment F-4 (above) for a detailed description of the monitoring program. Utilizing continuous inflow monitoring at the EGGWC pump station along with other input/output measurements (including rainfall data, evaporation data, outflow measurement, and irrigation pumping data), a mass water balance calculation will be used to estimate the amount of groundwater infiltration from Talbert Lake and actions taken, as detailed above, to reduce infiltration amounts if necessary.

Response to Comment F-6
The EGGWC diversion structure would be designed to eliminate any high-salinity tidal waters from entering the on-site pump station. This would be accomplished by (1) positioning the structure upstream of the limits of tidal influence (as determined by WorleyParsons Komex in a technical memorandum dated July 11, 2006) or (2) designing a structure that acts as a physical barrier to downstream tidal flows (such as a rubber dam) or (3) installing electrical conductance monitoring that shuts down pump station when salinity levels exceed a specified limit.

Response to Comment F-7
The potential for liquefaction on the project site is an existing condition, as discussed on page 53 of the MND. Specifically, "the General Plan identifies the southern third of Central Park (within the mesa) as having low liquefaction potential while the remainder of the site is identified as having medium to very high liquefaction potential, depending on the water level." Accordingly, the risk associated with this liquefaction potential already exists on site.

Given this existing condition, the volume of water infiltrated into the groundwater aquifer (as detailed above in the response to Comment F-4) would be monitored after project construction. The testing and monitoring data would be used to confirm that Talbert Lake groundwater infiltration has a less than significant impact on groundwater levels. Infiltration volumes would be compared to rainfall volumes to assess the effects of project related infiltration on shallow groundwater levels in the project vicinity and on actions taken, if necessary, to reduce infiltration volumes. Accordingly, the project impacts associated with liquefaction and seismic hazards are found to be less than significant.

As discussed on page 139 of the MND, the proposed project would not include any habitable structures or other components that could pose a substantial risk to people or other structures in the event of strong seismic ground shaking and any associated secondary seismic hazards, including liquefaction. Therefore, it was determined in the MND that there would be less than significant impacts associated with liquefaction. No mitigation would be required.

Response to Comment F-8
The presence of 12 leaking underground fuel tanks (LUFTs) within one-quarter mile of the project site does not necessarily imply the groundwater contamination has migrated from one or more of these listed sites. As discussed on page 196 of the MND, the known land use history of the project site indicates the potential for the presence of hazardous materials.

Existing hydrologic conditions across Central Park already include many areas of shallow groundwater movement, including shallow ponds and vegetated wetlands as well as Talbert Lake, which currently accepts overflow during wet conditions from the existing upstream hydrologic features. As described in the MND, most flow into Talbert Lake percolates into the groundwater aquifer, is utilized by existing vegetation, or evaporates. The proposed project capitalizes on, and enhances, these existing hydrologic conditions to improve water quality.

Please see Responses to Comments F-3 and F-4 for discussion of the Water Quality Monitoring Program associated with the project. Any identified increase in groundwater levels would be compared to estimated infiltration volumes in order to determine the influence of the project's infiltration on local groundwater elevations. If necessary, infiltration rates can be reduced by adjusting the flows into each treatment train in order to optimize pollutant removals, adjusting the diverted flows into the project from the EGGWC, or adding a full or partial lake liner. Accordingly, in the event that surrounding historic LUFT releases have impacted the project site, shallow groundwater on the project site would be tested monthly as part of project operation and maintenance activities.

In addition, if contaminated materials are encountered during excavation or other project implementation activities, the City would be required to implement all applicable regulations related to the investigation, remediation and/or transport of such materials. Regulatory programs and practices related to the management of hazardous materials (including the presence of groundwater contamination and associated potential plume migration from LUFT releases) occur independently of the CEQA process and would be a requirement of the City regardless of any conditions implemented through the MND. Therefore, mitigation defining City compliance with these standard regulatory conditions is not required.

Letter G

Friends of Shipley Nature Center

July 16, 2008

Jennifer Villasenor
Associate Planner
City of Huntington Beach - Planning Department
2000 Main Street
Huntington Beach, CA 92648

Dear Ms. Villlasenor:

The Board of Directors of the Friends of Shipley Nature Center (FSNC) have requested that I contact you regarding the Talbert Lake Division Project. We are concerned about the impact of the project on the Blackbird Pond section of Shipley Nature Center as the Draft Mitigated Negative Declaration for the project does not address how the Center or the Pond would be impacted. 1

As you know, Blackbird Pond is located directly across the street from Talbert Lake. The pond has been dry since the aquifer was drawn down. This has resulted in a considerable change in the environment of the Center and has required many adjustments in our program, not the least of which is providing water for the animals that have been attracted to the Center.

In speaking with Geraldine Lucas, I have discovered that Shipley is part of Phase II of this project. We understand that we will be consulted prior to any design work which includes Blackbird Pond. We further understand that the entire project is to be completed in the next two years. Phase II is to include Huntington Lake and Blackbird Pond.

We look forward to working with you on this important project, which we feel is an important contribution to the environment and our quality of life in Huntington Beach. Please let me know when you wish to meet with us.

Cordially,

Kathryn E. Goddard, EdD
President

Cc: Jim Engel, Director, Community Services
David Dominquez, Community Services
Geraldine Lucas, Public Works, Principal Environmental Engineer
Board of Directors, FSNC

City of Huntington Beach
JUL 18 2008

P.O. Box 1052 • Huntington Beach, CA 92647 • 714.846.0916 • shipleynature@yahoo.com • www.fsnc.org

This page intentionally left blank

Response to Comment G-1

Shallow groundwater levels around the perimeter of the project site will be monitored as part of the proposed project's Adaptive Management Plan. Please refer to the response to Comment F-4 (above) for a detailed description of this monitoring program and actions that may be taken to reduce infiltration volumes should they prove problematic. Once the project is operational, the ongoing monitoring program would measure the infiltration volumes and groundwater levels to ensure the impact to surrounding public and private properties including Shipley Nature Center and Blackbird Pond remain less than significant.

This page intentionally left blank

Letter H

(2)

Talbert Lake Diversion Project
DRAFT MITIGATED NEGATIVE DECLARATION
PUBLIC COMMENT FORM

If you would like to **comment on the draft Mitigated Negative Declaration** for the Talbert Lake Diversion Project, please fill out the information below. Please leave this comment form at the sign-in table before you leave tonight, or otherwise mail it in by **Friday, July 18, 2008** to:

Jennifer Villasenor, Associate Planner
City of Huntington Beach
Department of Planning
2000 Main Street
Huntington Beach, CA 92648
Phone: (714) 374-1661

Name (optional) _____

Organization (optional) _____

Address _____

City _____ State _____ Zip _____

Phone _____ (optional) Fax _____ (optional)

E-mail _____ (optional)

Comments *(attach additional pages if needed)* _____

I object very much to diverting the dry weather flows into the existing water line on Golden West Street or the existing storm drain system on Gothard. We have enough problems on Golden West Street as it is. Please reconsider the merits of this project. Please leave our park as it is! 1

Note: All comments will become public information.

This page intentionally left blank

Response to Comment H-1
Comment acknowledged. Your comments will be forwarded to the Zoning Administrator for review and consideration.

This page intentionally left blank

Letter I

Villasenor, Jennifer

From: Julie Bixby [julie@bixby.org]
Sent: Thursday, July 17, 2008 8:54 PM
To: Villasenor, Jennifer
Subject: Talbert Lake Diversion Project--comments

Hello, Jennifer,

I am submitting public comments on this Negative Declaration:

I am puzzled by the vague mention on page 44 of:

"Cascading Stream at Library
A water feature is proposed near the restored Talbert Lake in the form of a cascading stream that would flow from the Library into the lake."

1) Exhibit 7.4-15 indicates that this "cascading stream" would cross or bi-sect the walking path in the park. How will people continue to walk the path? Will the stream go over or under it? I certainly hope the path won't abruptly end from both directions with people having to double back. 1

2) Will the stream be seasonal, dependent on rainfall, or will it be force-fed year-round? Who pays the bill for electricity & water if it's year-round? 2

3) Will this feature literally be connected to the Library's existing fountain pumps? If connected to the library's existing fountain, are there any chemical worries? 3

4) Will the noise of constructing this feature impact the library? 4

--
Julie Bixby
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876

1

This page intentionally left blank

Response to Comment I-1
The cascading stream along with all proposed project components would be designed to preserve the existing uses of the park, including unimpeded use of the walking paths. Final design would place a bridge over the proposed cascading stream to ensure uninterrupted use of the walking path.

Response to Comment I-2
Talbert Lake water would be used as a source for the cascading stream, which would be in operation year round, but would only operate during daylight hours. In addition to the aesthetic benefits provided by this feature, the stream would provide recirculation and aeration benefits to the lake, which would help maintain high water quality in the lake. The stream would operate at a low flow rate, which would require minimal power to operate; energy costs would be covered under the operations and maintenance fund established for the project.

Response to Comment I-3
The cascading stream would not be physically connected to the library water fountain.

Response to Comment I-4
The construction of the cascading stream would occur over the relatively short time period (about one week). During this time, there would be a few hours each day where construction equipment may be seen or heard from the library. The light duty equipment used for construction of the stream feature may result in temporary less than significant impacts to library use.

This page intentionally left blank

Letter J

-----Original Message-----
From: Mark Bixby [mailto:mark@bixby.org]
Sent: Wednesday, July 02, 2008 8:42 AM
To: Villasenor, Jennifer
Subject: odor mitigation and Talbert Lake diversion project

Hi Jennifer,

At last night's community meeting, the answer to my question about Wintersburg Channel downstream odors does not match what is contained in

the MND text.

I had asked specifically about odor control in the downstream reaches of

the Wintersburg Channel, specifically in the vicinity of the intersection with the Slater Channel where my neighborhood is located. Under current conditions we experience very strong odors emanating from the Wintersburg Channel a handful of days per year during dry flow conditions in warm months. If the Talbert Lake project is going to divert all of the Wintersburg dry flow, this will certainly increase downstream Wintersburg stagnation, and potentially increase the odor problem.

Last night's answer to my question said the MND contains a mitigation measure for odor control, but I have now scanned the MND for all references containing the string "odor" and the only discussions / mitigation measures I could find are in relation to odor control at the upstream point of diversion. Therefore I would like to see the MND revised to provide for downstream odor mitigation as well.

1

Also, my odor scan of the documents turned up a nonsensical mitigation measure in Appendix 1 on page 3:

"Air Quality

Odors may result during construction from diesel particulate emissions from construction equipment and trucks

AQ-1 Epoleon(r) (or similar odor-control measure) shall be applied, as needed, by the City of Huntington Beach Park, Tree and

2

Landscape Division to ponded water behind the diversion structure."

2 cont.

This appears to be some sort of copy/paste botch, and nobody caught the error. Diesel construction odors have nothing to do with Epoleon and vice versa.

Thanks...

Mark Bixby
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876

--
mark@bixby.org
Remainder of .sig suppressed to conserve expensive California electrons...

Response to Comment J-1
As shown on Table 12.4-4 of the MND, existing EGGWC flows have pollutant concentrations typically found in municipal runoff, including nitrogen and phosphorous (constituents of fertilizer), suspended solids, and coliform bacteria. Existing odors from impounded waters at the EGGWC's western terminus are most likely associated with a eutrophic condition resulting primarily from the accumulation of human-generated organic and inorganic matter in municipal runoff. Project diversion from the EGGWC would effectively truncate the flow of municipal runoff that is laden with these pollutants, reducing downstream stagnation of problematic dry weather runoff and, accordingly, assisting in the amelioration of existing downstream odor issues associated with these flows.

Response to Comment J-2
Comment acknowledged. The text on Column 2, Row 3 of the table on Page 3 of Attachment 1 is hereby revised as follows:

"Ponded water behind the diversion alternatives could create long-term objectionable odors from stagnant water."

This page intentionally left blank

Letter K

-----Original Message-----
From: Mark Bixby [mailto:mark@bixby.org]
Sent: Wednesday, July 02, 2008 2:24 PM
To: Villasenor, Jennifer
Subject: more Talbert MND comments

Hi Jennifer,

I have some more Talbert MND comments now that I have skimmed the entire

document.

****

p.17 states:

"7.2.3 HYDROLOGY

The proposed project site is located within the hydrologic boundaries of

the Santa Ana River
Basin. The Westminster Watershed, covering 74.1 square miles of
southwestern Orange
County, encompasses 3 main tributaries: the Los Alamitos Channel, the
Bolsa Chica Channel,
and the EGGWC. All three tributaries drain into the Bolsa Chica Wetlands

and eventually into
Huntington Harbour and Anaheim Bay. Central Park itself is located
within the EGGWC
drainage area."

The next to last sentence ("All three tributaries...") is flat-out wrong

for 2 of the 3 named channels. Doesn't anybody proof-read this stuff?

The C01 Los Alamitos Channel drains into the San Gabriel River,
according to http://www.ocwatersheds.com/manualimages/map26.gif.

The C02 Bolsa Chica Channel drains into Huntington Harbour, according to

http://www.ocwatersheds.com/manualimages/map35.gif.

The only channel to drain directly into the Bolsa Chica wetlands is the

1

C05 Wintersburg Channel (EGGWC).

****

The document categorizes the lower reach of the Wintersburg Channel as salt marsh from the tidegates to 500m downstream of Graham Street (Slater Pump Station bridge), and says that bulrushes were not observed in the salt marsh (or fresh water) portion of the channel.

I have been surveying the vegetation on the adjacent Shea Parkside property for many years now, and occasionally I have seen bulrushes in the MND's EGGWC salt marsh zone between the Slater Pump Station bridge (500m downstream of Graham) and the so-called "Oil Road Bridge" further downstream. I don't see bulrushes in that reach every year, and there are never very many, but they are there frequently. 2

****

Ospreys are conspicuously absent from the list of special status species

known to forage in the lower reaches of the EGGWC. I have been doing bird surveys on the adjacent Shea Parkside property for many years now, and I see Ospreys fairly regularly fishing along the entire length of the EGGWC all the way up to Graham Street. 3

****

The document states:

"This water diversion during low flow conditions would not be expected to affect water levels or salinity downstream at the Bolsa Chica wetlands, but it may affect water conditions immediately downstream of the project site."

This statement strains my credulity to ask me to believe there will be no downstream salinity changes by removing 0.5-1.5 MGD of fresh water input to the Bolsa Chica system. Perhaps you really meant to say "...significantly affect...". 4

****

The environmental checklist Recreation section re "Affect existing recreational opportunities?" is solely oriented towards temporary construction activities and does not address the permanent park usage changes that will result when current turf areas are converted to wetlands. I.e. there will be a permanent reduction in the amount of space available for playing catch, hide-n-go-seek, sunbathing, etc, and other activities that are now performed off of the main trails. I would

like to see the MND devote some more analysis to the reduction of these kinds of recreational opportunities. 5

****

Thanks for listening...

Mark Bixby
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876

--
mark@bixby.org
Remainder of .sig suppressed to conserve expensive California electrons...

This page intentionally left blank

Response to Comment K-1
Comment acknowledged. The last sentence of the fifth paragraph on page 17 of the MND has been modified to read as follows:

"The Los Alamitos Channel drains into the San Gabriel River; the Bolsa Chica Channel outlets into the Huntington-Harbor complex, and the EGGWC drains into Huntington Harbour through Outer Bolsa Bay."

Response to Comment K-2
The Biological Appendix to the MND presents the results of a biological assessment survey that also included identification of vegetation types present in the EGGWC. This biological survey did not include a focus survey to determine the presence or absence of any particular plant (or wildlife) species from the channel or any particular reach of the channel. Focus surveys are conducted for rare species but not common species. Bulrushes (*Scirpus* sp.) are characteristic of brackish water vegetation (i.e., not of freshwater or saltwater vegetation) so the general lack of observation of this plant species within the saltwater vegetation zone downstream of Graham Street supports the classification of this reach as salt marsh vegetation. In fact, the commenter's observation that bulrushes were not observed in that reach of the EGGWC "every year" also supports this conclusion. The bulrush would be expected to occur as material washes downstream with winter storms, but has not become established in this reach of the EGGWC due to the relatively high salt content of the water.

Response to Comment K-3
The MND presents a summary table (see Table 7.2-6 on pages 53–55) of special status wildlife species at Central Park, which includes species that are State- and/or Federally listed as Endangered or Threatened and/or are listed as California species of special concern. The osprey (*Pandion haliaetus*) is not included in any of these categories; it was therefore not included in the table for status evaluation related to the proposed project. It does occur at Central Park as a rare visitor, but does not breed at the park or at nearby Bolsa Chica Wetlands (only recent nestings in Orange County have occurred at Upper Newport Bay). The osprey is on the CDFG's Special Animals list as it is included in other "conservation lists" such as the California Department of Forestry and Fire Protection "sensitive species" list; the International Union for Conservation of Nature (IUCN) at the LC ("Least Concern") level; and the CDFG's "watch list." The osprey is a regular visitor to Bolsa Chica Wetlands and other nearby areas that provide suitable foraging habitat (i.e., open waters that support fish).

Response to Comment K-4
The salinity levels immediately downstream of the channel diversion will be affected by the reduction in freshwater flows; however the salinity levels in Outer Bolsa Bay are not expected to be significantly impacted by the project. The result of field biological surveys indicates that the "EGGWC does provide foraging habitat for a variety of sensitive bird species especially in the vicinity of the Bolsa Chica Wetlands, but prey for these species are largely associated with saltwater tidal flow and will not be affected by a reduction or removal of dry weather channel flows downstream of the diversion structure project site." (Draft MND, page 183).

Response to Comment K-5
The proposed project would reduce the amount of turf grass in the park as turf grass is converted to other vegetation types. This conversion is fairly uniform throughout Central Park; however, in the northeastern quadrant of the park, the majority of the turf grass conversion occurs in the vicinity of Wetland Treatment Train 2, north of the existing camping area. The open space area that the Boy Scouts use for camping activities on the eastern side of the proposed project area would remain intact in its current configuration after the project is

complete, although temporary disruption to this area would occur as project construction takes place on the eastern side of the project area. No permanent change is proposed in the area east of the existing walking path. The exercise parcourse around the perimeter of the park and the outdoor music area would also sustain a less than significant impact during construction. The project would not impact the Adventure Playground or the amphitheatre. The small hill created by the permanent on-site stockpile would be revegetated with turf grass and would provide an enhanced viewing area for those enjoying the outdoor music venue, thereby maintaining the overall use of this portion of the park by the public.

Letter L

From: Mark Bixby [mailto:mark@bixby.org]
Sent: Wednesday, July 02, 2008 3:11 PM
To: Mark Delaplaine; Teresa Henry; John Dixon; Jonna Engel; Villasenor, Jennifer
Subject: CCC federal consistency certification requested for HB Talbert Lake diversion project

Hi CCC staff (Mark Delaplaine for federal consistency, Teresa Henry for the South Coast District, and staff ecologists John Dixon and Jonna Engel) and city of HB staff (Jennifer Villasenor, Planning Department),

I would like to request that the CCC conduct a federal consistency certification for the city of Huntington Beach Talbert Lake diversion project.

This project which is currently in the MND public comment stage involves diverting the entire dry weather Wintersburg Channel flow of 0.5-1.5 MGD (with a design capacity of 3.0 MGD) at Goldenwest Street and sending it south to Huntington Beach Central Park through a network of constructed NTS wetlands and ultimately into Talbert Lake. The public comment period closes on July 18th and the documents are available from the city at: 1

http://www.surfcity-hb.org/Government/Departments/Planning/PJB/eac/Talbertlakemnd.cfm

Although this project is located outside of the Coastal Zone, a federal consistency certification is warranted because the project:

- will require a USACE Section 404 permit

- is being funded in part with EPA grant money

- and has the potential to impact the Coastal Zone because of the permanent diversion of one of the major fresh water inputs into the Bolsa Chica wetlands

The MND asserts (without supporting evidence) that there will be no salinity changes to the Bolsa Chica wetlands, yet admits to salinity and associated vegetation habitat changes occurring downstream of the diversion site in the Wintersburg Channel. So it strains my credulity to believe that a permanent 2

diversion of 1.5 MGD of fresh water won't have any impact on Bolsa Chica. This needs further analysis by the CCC.

Other portions of the MND also give me pause for concern. 2 cont.

p.17 states:

"7.2.3 HYDROLOGY

The proposed project site is located within the hydrologic boundaries of the Santa Ana River Basin. The Westminster Watershed, covering 74.1 square miles of southwestern Orange County, encompasses 3 main tributaries: the Los Alamitos Channel, the Bolsa Chica Channel, and the EGGWC. All three tributaries drain into the Bolsa Chica Wetlands and eventually into Huntington Harbour and Anaheim Bay. Central Park itself is located within the EGGWC drainage area."

The next to last sentence ("All three tributaries...") is flat-out wrong for 2 of the 3 named channels.

The C01 Los Alamitos Channel drains into the San Gabriel River, according to http://www.ocwatersheds.com/manualimages/map26.gif.

The C02 Bolsa Chica Channel drains into Huntington Harbour, according to http://www.ocwatersheds.com/manualimages/map35.gif.

The only channel to drain directly into the Bolsa Chica wetlands is the C05 Wintersburg Channel (EGGWC).

Doesn't anybody proof-read this stuff? Or maybe there are some fundamental misunderstandings that have skewed the analysis. 3

Another reason for concern came at last night's community meeting the city held to seek public comment on the MND. The BonTerra consultant stated that there is some habitat value in the Wintersburg Channel downstream of the diversion point, and that species from Bolsa Chica do come upstream to utilize this habitat. And yet the consultant responsible for the resource agency permitting admitted that no early project stage discussions have been held with CCC staff regarding this. I find this to be a troubling omission. 4

Therefore I am asking that the CCC conduct a full federal consistency certification for this project to make sure that any likely impacts to the Bolsa Chica ecosystem will be compliant with the Coastal Act.

Don't get me wrong -- I am excited about the habitat creation and water quality improvements this project offers, but I also want to make sure that the Bolsa Chica Coastal Zone impacts are properly analyzed.

Thanks...

Mark Bixby
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876

--
mark@bixby.org
Remainder of .sig suppressed to conserve expensive California electrons...

This page intentionally left blank

Response to Comment L-1
In December 2006, the City received a $288,700 Water Infrastructure grant from the USEPA for planning and designing the Talbert Lake Diversion Project. The City of Huntington Beach has contacted the California Coastal Commission (CCC) to discuss the potential need for a consistency review of the project with respect to the federal Coastal Zone Management Act. Once the resource agency permitting process is initiated, the CCC will make a final determination regarding the need for a consistency determination.

Response to Comment L-2
Tidal circulation is of paramount importance to the health and vitality of coastal salt marsh habitats, as evidenced by the establishment of the ocean inlet that bisects Bolsa Chica State Beach in order to restore the Bolsa Chica Wetlands. Excessive freshwater input is considered to be detrimental to coastal salt marsh habitats.[2] The proposed project's purpose includes maintaining the beneficial uses of downstream receiving waters (see Table 12.4.3 in Section IV, Errata), accordingly, effects from the project on downstream biological resources are assessed as positive.

Response to Comment L-3
Your comment has been noted. Please see response to comment K-1.

Response to Comment L-4
As stated at the public meeting on July 1, the area within the EGGWC at the proposed diversion site is a concrete-bottomed, vertical wall channel with very low habitat value. The channel contains no habitat suitable for breeding or nesting and is currently used for marginal foraging by wading birds within the region. Implementation of the diversion structure and the diversion of low flow urban runoff would have no measurable effect on Bolsa Chica Wetlands ecosystem.

The project would remove the poor quality, low flow urban runoff before it reaches the tidal zone within Outer Bolsa Bay and Huntington Harbour, which would greatly reduce most of the deleterious effects on these resources. The poor quality flows would be diverted to Talbert Lake for treatment and beneficial reuse and potentially for irrigation of park landscape. During storm conditions, improved flows from Talbert Lake could discharge back into Slater Channel and ultimately into Outer Bolsa Bay, improving existing water quality conditions in a manner that would ultimately benefit plant and wildlife resources within the coastal zone (including the Bolsa Chica Wetlands).

[2] U.S. Fish and Wildlife Service (USFWS). 1982 (March). *The Ecology of Southern California Coastal Salt Marshes: A Community Profile* (Report No. FWS/OBS-81/54). Washington, D.C.: USFWS.

This page intentionally left blank

Letter M

Thomas M. Dawes
6901 Vista Del Sol Drive
Huntington Beach, CA 92647

June 24, 2008

Ms. Jennifer Villasenor
City of Huntington Beach Planning Department
2000 Main Street
Huntington Beach, CA 92648

Subject: Comments on the Mitigated Negative Declaration,
Talbert Lake Diversion Project

Dear Ms. Villasenor:

I received the NOA on the subject Negative Declaration and was immediately concerned. I went to the Central Library today to review the document, as stated in the notice, and they hadn't received a copy. With your help over the phone, I tried to review it on the internet, but the text wasn't available. However the Table of Content was available, as well as some of the supporting material, so that it appears to me that my main concern, the poor and unhealthy quality of the low flow water in the East Garden Grove Wintersburg Channel was not addressed.

The East Garden Grove Wintersburg Channel drains a large, fully urbanized watershed. The low flow your project plans to treat in the Talbert Lake Diversion is laden with bacteria and viruses from animal droppings, and a high nitrate load from the same, plus fertilizer runoff. Many studies have found that the low flow of these channels is equivalent to raw sewage.

The concern is that children and others play and use the park, and can come in contact with this unhealthy water.

1

I suspect the reason the project is proposed is to reduce this pollutant load on Huntington Harbor, which suffers from poor water quality. If so, you should predict what the effect of the diversion will be on water quality in Huntington Harbor. The poor water quality in Huntington Harbor is due to many factors, and I predict this project will not make a significant improvement.

2

You should nail down the delivery route to the Talbert Lake; you now say existing pipelines in either Goldenwest or Gothard Streets could be used. Because of elevation differences in the two, the Gothard route would involve more pumping, and higher operating costs.

3

I would like to be kept informed as this project goes through public hearings. Thank you for the opportunity to comment. If you have any questions on my remarks, I can be reached at 714-847-7826.

Very Truly Yours,

Thomas M. Dawes, P.E.

Response to Comment M-1
The dry weather urban runoff in the EGGWC contains elevated levels of bacteria, nutrients, and other pollutants when compared to potable water. However, the concentration of pollutants found in the EGGWC is significantly lower than concentrations typically found in raw sewage. Table 2 below compares typical pollutant concentrations found in the dry weather urban runoff in the EGGWC to typical concentrations found in residential wastewater (sewage). Pollutant levels found in the EGGWC are only a fraction of those found in raw sewage.

COMPARISON OF POLLUTANT LEVELS IN EGGWC AND THOSE FOUND IN RESIDENTIAL WASTEWATER

Constituent	Average EGGWC Concentration (mg/L)[a]	Typical Residential Wastewater Concentration (mg/L)[b]	EGGWC Concentration as Percentage of Wastewater Concentration
Total Suspended Solids, TSS	12	155–330	4%–8%
Total Phosphorus, TP	0.2	6–12	2%–3%
Total Nitrogen, TN	3	26–27	4%–12%
Total Coliform (CF U/100 ml)	156,000	10^8–10^{10}	0.001%–0.2%

Notes:
[a] Talbert Lake Diversion Project IS/MND, June 2008
[b] On-site Wastewater Treatment Systems Manual EPA, 2002

The water quality in the wetlands and lake are not designed to meet REC-1 requirements for full contact recreation. However, water quality modeling indicates that REC-2 requirements for recreational activities may be achieved after treatment in the wetlands. The water quality of the existing inflows into Central Park from the storm drain system is similar to that of the diverted flows from the EGGWC; the proposed project would significantly improve water quality in the wetland treatment system and the restored Talbert Lake. The wetland treatment system and lake are designed to discourage human water contact, and signage would be used to inform the public that the lake is not approved for body contact or swimming.

Response to Comment M-2
The majority of pollutants delivered to the Outer Bolsa Bay and Huntington Harbour are a result of dry weather nuisance flows and the initial "first flush" storm flows which occur at the beginning of any significant rainfall event. The EGGWC tributary watershed is one of several large watersheds that drain into Outer Bolsa Bay and Huntington Harbour. Eliminating the dry weather discharge from the EGGWC to Outer Bolsa Bay and Huntington Harbour will result in a significant improvement for all beneficial uses of the receiving water (such as navigation, water contact recreation, non-contact recreation, wildlife habitat, marine habitat, and preservation of rare and endangered species).

Response to Comment M-3
There are multiple benefits and costs associated with both alternatives proposed. A detailed cost benefit analysis (which takes into account design performance, initial cost, operating cost, and maintenance cost) will be performed to determine the best alternative for diverting water to the wetland treatment system.

This page intentionally left blank

Letter N

Villasenor, Jennifer

From: Del and Virginia Emery [demery@socal.rr.com]
Sent: Thursday, July 17, 2008 11:20 AM
To: Villasenor, Jennifer
Cc: CITY COUNCIL
Subject: Wintersburg Flood Control Channel

Attn: Jennifer Villasenor, Associate Planner
City of Huntington Beach
Department of Planning
2000 Main Street
Huntington Beach, CA 92648-2763
jvillasenor@surfcity-hb.org

Delton (Del) and Virginia Emery
17452 Lucero Lane
Huntington Beach CA. 92647

Re: Talbert Lake Diversion Project.

First, I would like to say that we have no problem with cleaning up Wintersburg Flood Control Channel. We have a problem with the method you want to implement to clean the channel.

1. Who in the city of Huntington Beach decided that you should use Central Park as a dumping site for runoff from Wintersburg Channel? 1
2. Who came up with CURMP and who from the city of Huntington Beach is on this committee? 2
3. What benefit is there to the environment and public when you are dumping toxic and hazardous waste (runoff) into Central Park? If not hazardous or toxic, would you drink the water as it is in Wintersburg Channel? 3
4. Just north of Central Park are 3 industrial companies (Verizon, Armstrong Nursery, Arco gas station) and (68) sixty eight residential properties plus a trailer park.
5. This project would affect us by an increase of toxic and hazard waste in this area. There would be stagnant water at times that will put off an odor, an increase of mosquitoes and saturation of the area with water that can contribute to liquefaction, if and when we have an earthquake. The Long Beach Newport Beach earthquake in 1933 went right through this area. 4
6. There is food served at the park restaurant on Goldenwest which is very near where toxic and/or hazardous waste will be pumped.
7. This project will reduce the open space that is used by the Boy Scouts, picnic area, re-enactment of the Civil War, and Kiwanis Club that use this area for Easter egg hunts for under privileged children. 5
8. In (7.3) you have indicated a list of constituents concerns: chlordane, copper, lead, nickel, 6

7/21/2008

pathogens, polychlorinated biphenyls (PCB's), dieldrin and sediment toxicity for Huntington Harbor and Anaheim Bay, so now you want to put this same waste in Central Park. — 6 cont.

9. We also question why you would pump this waste through a potable water line and then it becomes contaminated. — 7

10. If the project entails digging in Talbert Lake, why is it not in the plan to remove the two abandoned oil pipes from Chevron that are in the ground? This would ensure that the ground water would not become contaminated with gas additives and oil. — 8

11. The maps on the Flood Elevations Legend do not appear to be accurate. When we have a moderate rainfall, the residential streets north of Central Park flood because of poor runoff. With Talbert Lake being filled, this would cause a greater chance of flooding in the area. — 9

12. Why is there going to be a large pile of dirt left on site. If this dirt comes from the lake bottom, will it be cleaned before it is piled north of the library? After all the years of runoff to this area, this dirt will have asbestos, PCB's and other toxins in it. — 10

13. You state that you will have settling ponds to collect contaminants. During heavy rains, what will keep these ponds from overflowing and the toxins getting into Talbert Lake? — 11

14. Why don't you require all cities upstream on Wintersburg Channel to stop all runoff into the channel except during heavy rains? This could be diverted to their sewer system. — 12

15. Why can't this project build a filtration system at the dammed site and filter this runoff until it is potable water. This water then could be pumped to all lakes and would not be a hazard. — 13

16. How will the mosquito population be kept down? Central Park has had birds dying from West Nile Virus over the last few years. Mosquito fish do not work very well. — 14

17. We suggest that Engineering or City Planning look at building a filtration system at the site where the toxic water will be pumped out of the Wintersburg Channel.
A filtration system could be built over the top of the channel where the channel runs through the Industrial area. The filtered water could then be pumped to Talbert Lake as potable water. — 13 cont.

18. If you need to put in settling ponds and navigational streams to get the toxins out of the water, why not build it in the area east of the Sports Complex on the land where the gun range was or where there now sits a large dirt pile. This way you could beautify the area and have a nice stream or brook running down by the library that would dump into Talbert Lake and the (2) two other lakes in the area. At the same time you could put in a holding pond that could be used to pump water for irrigation of the ball fields and park. — 15

Huntington Beach Concerned Citizens of 31 years
Thank You.

Del Emery

Virginia Emery

7/21/2008

Response to Comment N-1
The Talbert Lake Diversion Project was developed as a water quality improvement opportunity within Huntington Beach's Citywide Urban Runoff Management Plan (CURMP) and was approved by the City Council as a Supplemental Environmental Project by the RWQCB. The intent of the proposed project is the diversion of untreated dry weather flows into an aesthetically pleasing, environmentally functional, natural treatment system that improves water quality on site, while providing multiple benefits to the public. Please see response to comment N-2 for the City departments involved in the development of the CURMP.

Response to Comment N-2
The CURMP was created and developed by the City's engineering staff, with the assistance of Camp Dresser & McKee Inc. (CDM), an engineering consultant, and a project oversight task force comprised of City Council members, residents, and the environmental community. The CURMP was adopted by the City Council on February 7, 2005.

Response to Comment N-3
The Talbert Lake Diversion Project was formulated in response to regional water quality concerns within the EGGWC's downstream receiving waters, specifically Huntington Harbour and Anaheim Bay. Multiple public benefits provided by the proposed project include cleaner downstream receiving waters, enhancement of environmental habitat within Central Park, improvement of recreational and aesthetic features of Central Park, and a reduction of the City's reliance on groundwater pumping for irrigation purposes. The quality of water proposed for diversion from the EGGWC does not constitute toxic levels or represent risks to human health (please see response to comment M-1). Swimming is not and would not be an approved activity at the restored Talbert Lake; proposed project design features would result in lake water that meets REC-2 standards within the park.

Response to Comment N-4
Hazardous Materials Exposure: Implementation of the proposed project would not increase the presence of hazardous materials in the project area, nor would hazardous or toxic substances be pumped from the site.

As discussed in the MND (beginning on page 196), based on known land use history there is a potential for hazardous materials to be present on the site. Therefore, if present, these materials already exist and would not be increased through implementation of the proposed project. However, as discussed, excavation activities may encounter such materials, in which case the City would undertake appropriate regulatory consultation, as per mitigation measure HM-3, to determine the appropriate course of action to ensure public and environmental safety. It should also be noted that materials that are defined as "hazardous" include a wide range of substances, many of which are common household items (such as batteries, some painting supplies, and cleaning products). The type of materials potentially present on the proposed project site—particularly petroleum hydrocarbons—are common in a high-density urban area and would not be expected to include any unusually hazardous or toxic substances. The MND determines there would be less than significant impacts related to the potential for release of hazardous materials into the environment with mitigation. No additional mitigation is required.

Regarding discharge of water from the site, as discussed above, any hazardous waste that is present on the site and that is potentially entrained in surface water moving across the site, is already present and would not be increased by implementation of the project site. The primary goal of the proposed project is to improve surface water quality over the existing condition.

Additionally, discharges from the project site would be required to be in compliance with all conditions of the City's existing NPDES Permit, as discussed further in the MND (beginning on page 143). Therefore, the MND determines that, with compliance with the existing NPDES Permit requirements (SC-2), there would be less than significant impacts related to water quality standards and waste discharge requirements.

Odor Control and Mosquitoes: Odor control and vector control would occur prophylactically through proper project design and maintenance in order to ensure constant flowing water (rather than stagnant water) throughout the project system and a biologically diverse ecosystem to maintain a healthy population of mosquitofish.

As discussed on page 195 of the MND:

> Adverse odors from diversion structures in areas outside tidal influence, such as those proposed at the EGGWC, are rarely an issue that requires treatment by the RDMD. When determined necessary…the RDMD either flushes the ponded water out from behind the diversion structure or applies the chemical odor neutralizer Epoleon®, approved for use in Orange County's flood-control facilities by the Regional Water Quality Control Board.

The MND also determines that "…the application of Epoleon® would not represent a significant impact related to hazardous materials, because the substance is a non-hazardous material and is permitted for use by the RDMD and the SARWQCB."

The potential for implementation of the site to become a vector of mosquito populations is addressed on page 195 of the MND, which states:

> with Phase 2 implementation, Talbert Lake would have a constructed lake edge designed to prevent shoreline erosion, enhance project safety, and minimize impact from breeding mosquito populations. However, Talbert Lake would be stocked with *Gambusia affinis*, or mosquitofish, for added vector-control efficiencies (PDF-2). Mosquitofish are hardy in a range of conditions and feed readily on the larval and pupal stages of the mosquito. Additionally, wetland treatment areas have been designed to support ease of access for vector-control activities as required. At this time, chemical vector-control activities are not anticipated to be necessary.

Liquefaction Risk: Please refer to response to Comment F-7.

Response to Comment N-5

The open space area utilized by the Boy Scouts for camping activities and the Civil War Reenactments on the eastern side of the proposed project area would not be significantly impacted by proposed project grading or vegetation changes. The turf grass in this area would be maintained to support these recreational activities into the future. The Easter Egg Hunt is held in an area of Central Park on the west side of Goldenwest Street, approximately a quarter mile from the proposed project area, and will remain unaffected by project implementation.

Response to Comment N-6

Please see Responses to Comments M-1 and N-3. Huntington Harbour and Anaheim Bay are the receiving waters for multiple drainages, not just the EGGWC; accordingly, constituents of concern within these receiving waters originate from various drainages and are not necessarily present within the waters proposed for diversion.

Response to Comment N-7
The preferred alternative for the project's conveyance system to Central Park has not been determined at this time due to the need to further investigate cost impacts and operational constraints.

There are multiple benefits and costs associated with both alternatives proposed. A detailed Cost Benefit Analysis, which takes into account design performance, initial cost, operating cost, and maintenance cost would be performed to determine the best alternative for diverting water to the wetland treatment system. Should use of the potable water line within Goldenwest Street be selected as the preferred water conveyance option, project operation would ensure the line is clean prior to use for potable water transport.

Response to Comment N-8
The presence of the oil pipelines (two abandoned and one active) on the project site is an existing condition. The potential for historical releases of petroleum hydrocarbons from the abandoned lines is also an existing condition. Removal of the lines would not prevent releases, as this would have already occurred in the past. Since two of these pipelines are abandoned, there is no further potential for additional releases. Therefore, the design of the proposed project specifically seeks to avoid all oil lines in order to minimize encounter with potential petroleum-contaminated soils and therefore minimize the potential release of such materials through disturbance and/or transport as part of remediation, if determined necessary. Additionally, as stated on page 196 of the MND, "as the depths of these pipelines are unknown, project design has placed the shallow areas of the proposed wetlands over the pipelines to avoid impacts. In many portions of the project's wetland areas, the existing wetlands are deeper than the proposed wetlands, resulting in the addition of soil cover over the existing pipelines." Therefore, the goal of the proposed project is to appropriately manage the presence of the oil pipelines in a way that does not create additional environmental impacts.

Response to Comment N-9
The flood elevation maps were created to illustrate the flood limits throughout the park for various flood frequencies. Hydrologic modeling indicates that the proposed lake and wetland design would result in no increase in flood elevations once Talbert Lake is restored. The flooding reported in the residential area north of the project site is likely a result of a local problem (such as a zero slope or flat drainage area, obstruction of a catch basin, or storm drain). The proposed project would have no impact on the hydraulics of the storm drain system north of the project site.

Response to Comment N-10
The topographic hill created with stockpiled earth materials is designed to balance grading quantities on site and to control the movement of surface water. Mitigation measure HM-3 requires that soils excavated on the project site be tested for potential contaminants and requires that, if hazardous materials are encountered, the handling and remediation of the contaminated materials be performed in consultation with the appropriate regulatory agency(ies). Therefore, if contamination is encountered in the excavated materials, they would be managed in accordance with all applicable regulations and any requirements defined by the agency(ies) that oversee project site to ensure public and environmental safety. Excavated materials found to contain contamination would not be used as on-site fill material.

The decision of which agency or agencies have oversight over a site is determined on a case by case basis and depends on the type(s) of contamination present, the concentrations, the medium (e.g., soil, groundwater) and other site-specific factors. Regulatory programs and practices related to the management of hazardous materials occur independently of the CEQA

process and would be a requirement of the City regardless of any conditions implemented through the MND. Therefore, mitigation defining City compliance with these standard regulatory conditions is not required.

Response to Comment N-11
The initial ponds (also referred to as forebays) at the upstream end of each treatment train would accumulate pollutants on the bottom of the ponds. Of the three settling areas, only one would have significant storm flows passing through it. The settling area of this pond would be located away from the main storm water flow path to prevent sediments and other pollutants from being re-suspended during a storm event. Although the storm water would contain pollutants that may reach Talbert Lake, the accumulated pollutants at the bottom of the initial ponds would not contribute any additional pollutants.

Response to Comment N-12
The City does not own or operate the regional flood-control channels and therefore has no jurisdiction over the management of the channels or the actions of other municipalities.

Response to Comment N-13
The use of a filtration system was investigated but it did not meet all project goals, nor was it an economically feasible alternative. A filtration system designed to treat the urban runoff in the EGGWC would be a very large and expensive facility, which would be costly to operate and maintain.

Response to Comment N-14
The Orange County Vector Control District uses a variety of techniques to control the mosquito population including the use of mosquitofish (*Gambusia affinis*). Mosquitofish are very effective agents for controlling the mosquito population by feasting on the mosquito larvae; however, the fish need relatively open waters to reach the larvae and cannot be effective where vegetation blocks access to areas of standing water. The Orange County Vector Control District has identified the stagnant waters of Talbert Lake at Huntington (Beach) Central Park as a mosquito source that is hard to control at times. The proposed project is expected to provide conditions that are more conducive to controlling the park's mosquito population than existing conditions. Mosquitofish populations would be maintained through bio-manipulation and regular monitoring by Orange County Vector Control and City staff.

Mosquito control will also be maintained by the design of a wetland system that has constant flowing water (as opposed to the shallow stagnant water bodies typically found in the existing park). Talbert Lake will contain features to ensure constant water circulation along with specially designed edge conditions around the lake perimeter to discourage mosquito propagation.

Response to Comment N-15
Comment acknowledged. The project was found to be most feasible at the proposed location in Central Park due to existing hydraulic site characteristics, topographic and hydrologic considerations, and the presence of existing wetland vegetation, which all minimize potential environmental impacts. Furthermore, the area east of the Sports Complex is built over an old landfill, which precludes diverting runoff due to the potentially serious adverse environmental impacts.

Letter O

Villasenor, Jennifer

From: JAKE HOFFMAN [jake_hoffman@verizon.net]
Sent: Tuesday, July 15, 2008 7:19 PM
To: Villasenor, Jennifer
Subject: Comment regarding Talbert Lake Mitigated Negative Declaration

I read through most of the document and I did not see any reference to the impact this project may have on Black Bird pond that is within Shipley Nature Center which is across the street from the Talbert Lake Mitigation Project. Please let me know if the mitigation project will negatively impact Black Bird pond within Shipley Nature Center. 1

Regards,
Jacob L. Hoffman
15422 Columbia Lane
Huntington Beach, CA 92647

7/21/2008

This page intentionally left blank

Response to Comment O-1

Shallow groundwater levels around the perimeter of the project site will be monitored as part of the proposed project's Adaptive Management Plan. Please refer to the response to Comment F-4 (above) for a detailed description of this monitoring program and actions that would be taken to reduce groundwater infiltration volumes, if necessary. Once the project is operational, the ongoing monitoring program would measure the infiltration volumes and groundwater levels to ensure the impact to surrounding public and private properties including Shipley Nature Center and Blackbird Pond remain less than significant.

This page intentionally left blank

Letter P

July 18, 2008

Jennifer Villasenor, Associate Planner
City of Huntington Beach
Department of Planning
2000 Main Street
Huntington Beach, CA 92648

Re: Talbert Lake Diversion Project

E-mail response to the HB Draft Mitigated Negative Declaration # 08-003, dated June 2008 and the East Garden Grove – Wintersburg Channel (EGGWC)

Dear Jennifer:

I have reviewed the HB Draft Mitigated Negative Declaration # 08-003, dated June 2008, and attended the public hearing on July 1, 2008. I have several concerns regarding this project, including the project's viability, cost, and negative effects as illustrated by my questions below, which I would like to see addressed as this project moves forward. At the July 1 public hearing I heard only two positive outcomes outlined for this project, specifically, 1) there is a possibility of reducing run off into Huntington Harbour, and 2) there is a possibility of adding water to HB's aquifer in order to irrigate Central Park. Do these two potential positives outweigh the number of concerns as presented here, as well as others' concerns who will be commenting on this project?

Besides these concerns outlined below, no alternatives for other locations of such water treatment ponds are suggested in this document. Why was a large part of the mature areas of Central Park (CP) picked over the undeveloped sections of CP? Why was CP picked over other parks in HB? For example, wouldn't this same idea work best where we already have wetlands, like near the HB Linear Park or Sulley Miller Lake, or any number of other parks?

1

As a neighboring resident, I received notification of the public hearing, but a notice should have been posted within the park to notify those who actually use the park as well. I personally walk the park often and did not see any notices posted there. Also, the timing for the public meeting was during the summer when many folks are on vacation, and held the same week as a national holiday. The result of not notifying actual users and having the meeting close to a holiday was evident by the poor attendance of only about 15 people to the public meeting. This is a very low turnout for such a significant proposed project.

Lastly, I see conflict of interest with the hired experts and the City. The City, who wants this project to move forward, pays experts to determine various impacts and their associated mitigation measures. These impacts are invariably relatively minor. Do we actually have a fair assessment of the impacts within this Declaration?

Project viability concern

This portion questions the need for the project, the effectiveness of the system, and other miscellaneous questions.

On page 21 of the document, it says that the park provides a temporary storage for storm water, and already waters portions of the park naturally. It is also stated on page 33 that irrigation to the park is already fed with sub-potable water, so why do we need potentially millions of gallons more water daily to irrigate the park? 1

Why hasn't the route of diversion been picked? There are multiple ways to divert the water in the report, starting on page 63. How will this be determined? 2

One of the current diversion options outlined is to allow an existing potable water line (Well 8) to be used to pump EGGWC flows (non-potable water) into the park for initial treatment. Why is this a good option? 3

At the July 1 meeting, we were told 80% of the pollutants would be taken out at the initial diversion point prior to being pumped into the park. This 80% number really needs to be qualified by an appropriate daily flow rate, because this figure is correct only on the condition there are 0.5-1 million gallons daily going through the pumping station. If the flow is at the expected 3 million gallons, the efficiency drops to maybe 50-60%. Representatives for the project repeatedly stated at the public meeting that this channel 4

represents a very large watershed with as much a 3 million gallons feeding into the park every day, but page 18 of the Declaration, it shows "typical" calculated runoff at 0.55-1.5mgd based on duplicate measurements taken over 12 days in August 2007 and September 2007. Which numbers are correct? Is this project being misrepresented, especially since significant daily inflow into the park is necessary for the water treatment ponds to work? All numbers appear to be calculated, or modeled, not actually measured. Are actual flow measurements called for, or are these calculated flows enough to endeavor into this project and take away multiple acres within the park that are actively used by visitors to the park? 4 cont.

The treated water may become a resource to irrigate the park and it could possibly reduce salt intrusion (page 30) into the water table if the water can be added to the aquifer. However, as mentioned in the report and at the public hearing, it is unknown at this point whether there will be sufficient water produced from the project which could be used for irrigating the park or secondarily adding any water to the current aquifer. If flows are at 0.5 mgd, is this enough to irrigate the park and avoid salt intrusion thus making the project worthwhile? Then, if plastic is placed under the lake will we be hurting ourselves rather than helping, by not allowing any water into the aquifer, which occurs naturally now? 5

There are multiple descriptions of bubbling and circulation pumps, etc. used in the ponds and lake. How noisy will these to be for those who visit the park? 6

The first treatment cells will need to be periodically dredged with a backhoe. How often will this occur and how disruptive is it to people in the park and wildlife? 7

How will large biofilters, which remove nitrogen, be back flushed? According to the declaration, these filters need this back flush every six months. Will the park be closed to visitors while this back flush procedure occurs? How loud will it be? How long does this procedure take? 8

Why do they have to build the 20' mound of dirt within the park? This was not depicted in the slide presentation at the July meeting where they have instead shown a simulated waterfall on the existing knoll. 9

3

Cost concern

In the introduction of the document, it describes this project as a good way to reduce the unclean beach water. Then on page 62, it specifically mentions that this project will help Huntington Harbour, Anahim Bay, and outer Bolsa Bay. Will this project really help protect our costal waters, and will the ongoing maintenance costs be worth it? 10

How much will both phases of this project cost to install, but more importantly how much will it cost to maintain the water treatment ponds and the lake, and who will pay for it? I would like to see the estimated annual maintenance costs for this project broken down to include the employee labor needed for maintenance, the estimated electricity costs to run the pumps, etc., the cost of replacement parts and various vehicles required, etc. 11

As part of the entire cost estimate for this project, the City should plan on obtaining additional liability insurance to cover the cost of potential flooding of multiple homes and businesses near the channel diversion point and the water treatment ponds. 12

Does any construction within the Park fall under Measure C, which requires voter approval by the citizens? If the answer is no, why? 13

On page 101 of the mitigation plan, it describes the project schedule, outlining a maximum of 32 weeks for Phase 1 (Central park component only) and 23 weeks for Phase 2. At the July 1 meeting, it was reported the total construction time would only be about a half a year. Which is correct? Will the cost of the project increase if project takes longer to complete or for hiring additional crews to work simultaneously to save time? 14

Possible negative effect: water quality concern

How will this project affect the water table and aquifer under the park? Could this project actually reduce the amount of water added to our ground water, because the Phase 2 lake actually includes installing a plastic sheet placed between the land and the water, where currently water is added to the aquifer during rainy weather? 15

What will happen with the diverted water going into the ponds if the estimated gap to begin the Phase 2 lake is 1 to 3 years after Phase 1, (see page 62)? Also, where will the run off go once it is brought into the park if the diversion is complete, but the ponds are not? This is not mentioned in the report. In the interim, will diverted water be allowed into our aquifer and affect the water table? 16

Would digging the new lake to an additional depth of 8 feet cause any effect to the purification efficiency of the current aquifer? 17

UV is used as one of the last polishing steps prior to water flowing into the lake. Is the UV source mentioned on page 81 from natural sunlight? Will the water truly be polished enough on cloudy days to be released into the lake and then the aquifer? The overall cleaning efficiency of this water pond system drops dramatically during storm events. 18

Possible negative effect: flooding concern

I believe we have a higher risk of flooding with this new project for the following reasons.

On page 63, and within other locations of the Declaration, it mentions an operation and maintenance plan that allows for an inflatable dam within the channel. This dam would be deflated and subsequently re-inflated to ensure no impact or alteration to the EGGWC's food-control capacity. It also states within the Declaration that a plan has yet to be developed so that the inflatable dam can be deflated quickly so as not to flood neighboring area in the event of rain.

Flood markings aren't accurately represented within the Declaration, because even with just a few days of decent rain (not even heavy rain) the water comes up to the 10 year markings for a day or two until it percolates into the groundwater aquifer. In exhibit 7.2-8, the outline for the 10-year water levels in the park is typical any rainy year, not instances that would be considered extreme. I walk often within this park and have walked there since moving into our current home in 1991 and am speaking from my own direct observations throughout the years. And if the plastic is placed under the lake as proposed, there will be no place for the rain water to percolate, so there is a higher likelihood excess water will flow into the neighboring homes surrounding the park. 19

According to the declaration, these filters need to be back flushed every six months. What if material, known to clog the filters, builds at a faster rate? Will we have flooding due to clogged filters? 20

On page 30, existing peak inflow rates are calculated to be 892 cfs, and peak outflow is 174 cfs. What are the post-project expected peak inflows? Post project, peak inflow would not only include normal storm flows, but also include a certain amount of diverted 21

water from EGGWC (because some water will divert even if the dam is deflated). I do not think the current outflow rate of 174 cfs will change post project because in two locations, it mentions the one storm channel to handle excess water. Specifically, it says on page 62 that excess water from storm flow will be handled by one drain approximately 125 feet south of the Goldenwest Street parking lot would evacuate excess flows from the lake into Talbert Channel. Also, in storm events (page 92), it mentions an overflow weir to a 54-inch RCP, which transitions to an 84-inch RCP under Goldenwest Street, which eventually outlets to Talbert Channel west of Goldenwest Street. 21 cont.

Possible negative effect: Mosquitoes and malodors concern

How will offensive odors and mosquitoes be controlled, prophylactically or only when someone calls to complain? At the July 1 meeting, we were told action would be taken to abate only when inspectors determine the necessity. This does not seem good enough. 22

Incoming water from the ECCWC into the ponds is the primary means to vector and odor control, but what happens if there is not enough flow, which seems likely with the measured flows? 23

Thank you for giving citizens the opportunity to comment on this project. I look forward to seeing how this project progresses through the City and into Central Park.

Respectfully,

Kathy Kurjan
40 year plus HB resident
7151 Nimrod Drive, HB, CA 92647

Response to Comment P-1
Park irrigation is currently accomplished by means of a combination of potable water use and groundwater pumping. Using diverted flows from the restored Talbert Lake would reduce the City's dependence upon a potable water source and would reduce the impacts on the groundwater aquifer located under the project site.

Response to Comment P-2
The preferred alternative for the project's conveyance system to Central Park has not yet been determined due to the need to further investigate cost impacts and operational constraints associated with the various conveyance alternatives.

There are multiple benefits and costs associated with both alternatives proposed. A detailed Cost Benefit Analysis (which takes into account design performance, initial cost, operating cost, and maintenance cost) would be performed to determine the best alternative for diverting water to the wetland treatment system.

Response to Comment P-3
The water line in Goldenwest Street is currently functioning as a distribution line within the City's water delivery infrastructure. There is an approved Capital Improvement Project currently on record that confirms the City's intent to connect this line to Well 8 within Murdy Park for irrigation of Central Park's Senior Center, the Sports Complex, and Murdy Park. Sharing the water line within Goldenwest Street for both the Talbert Lake Diversion Project and the Well 8 project would reduce the project cost through maximizing the use of existing infrastructure within the City. If the City had to install a new pipeline or system to convey the urban runoff to Central Park, this project would not be feasible with the funding currently secured. It is anticipated that the cost to install a new pipeline or conveyance system to Central Park would cost over one million dollars.

Response to Comment P-4
Dry weather channel flows were measured over a 12-day period in 2007 at a rate between 0.5 mgd and 1.5 mgd. Historical flow data obtained from Orange County Resource Development and Management Department indicate this flow rate may have been higher in the past; however, concerns exist as to the validity of the data. Project pollutant removal efficiencies would vary according to the diverted water inflow rate, with higher removal efficiencies for lower flows and lower removal efficiencies for higher flows. The removal efficiency estimates were based upon water quality modeling runs and provide a general estimate for project performance assessment. A monitoring program will be implemented to ensure the wetlands are achieving the project's water quality goals. If the Basin Plan water quality objectives are not met, the flow rate would be adjusted accordingly. Please refer to the response to Comment F-4 for a detailed description of this monitoring program and the actions that would be taken, if necessary, to ensure the project's water quality efficiency meets Basin Plan objectives.

Response to Comment P-5
It is estimated that about 1 mgd is required to irrigate the park. If only 0.5 mgd is available from the diverted EGGWC inflow, a portion of the required irrigation supplies needed for the park would continue to be obtained from existing sources (potable and groundwater). Project implementation would enhance all beneficial uses of downstream receiving waters, as detailed in Table 12.4.3 of the MND. Installation of a lake liner, if necessary, can be implemented in all or a portion of the lake, depending upon the desired amount of infiltration to be achieved.

Response to Comment P-6
The coarse bubble diffuser and aeration compressors would be housed within a single building to provide a sound enclosure. The building would be located so as to minimize noise impact to common park uses.

Response to Comment P-7
Maintenance of the initial treatment cells would occur about every six months and would be conducted by light duty equipment over a period of about 6–8 hours. The maintenance operation would be localized to each initial pond. The initial ponds are situated on the perimeter of the wetlands to minimize impacts to wildlife. As these ponds are near some of the walking paths, the park users may experience temporary, less than significant noise impacts during these operations.

Response to Comment P-8
The biofilters would be back-flushed about every six months. A vacuum pump and cartridge filter would be inserted into the backflush pipe and would run for about 10–15 minutes per backwash location. The park remains open during this operation, but there would be some temporary, less than significant noise associated with the vacuum pump used during the backflush operation.

Response to Comment P-9
The proposed permanent stockpile location is in the southwestern portion of the project site immediately west of the outdoor music area. The purpose of this stockpile is the efficient disposal of excavated lake material, and the opportunity created by adding a topographic feature to the park that, once re-vegetated with turf grass, could be used by the public (1) to enjoy views of the restored lake and wetlands and (2) as an outdoor music venue. This permanent stockpile area was presented at the public meeting on a slide entitled 'Proposed Project Central Park Components;' it is also contained within the MND as exhibit 7.1-3.

Response to Comment P-10
The majority of pollutants delivered to Outer Bolsa Bay and Huntington Harbour are a result of dry weather nuisance flows and the initial "first flush" storm flows which occur at the beginning of any significant rainfall event. The EGGWC tributary watershed is one of several large watersheds that drain to the Outer Bolsa Bay, Huntington Harbour, and Anaheim Bay. Eliminating the dry weather discharge from the EGGWC to these receiving water bodies would result in a significant improvement for all beneficial uses such as navigation, water contact recreation, non-contact recreation, wildlife habitat, marine habitat, and preservation of rare and endangered species. In addition, the receiving water bodies are ultimately connected to coastal waters, providing additional benefit to the coastal zone.

Response to Comment P-11
Phase I of the Talbert Lake Diversion Project includes the diversion structure and wetland treatment system and will cost approximately $2.8 million. It is estimated that the project's Phase II will cost $2.75 million. Approximately 84 percent of total project cost will be funded through various State and federal grants. It is estimated that the operations and maintenance (O&M) cost will be approximately $175,000 per year. City staff is currently in the process of attempting to develop project O&M cost share agreements with the inland urban runoff contributors who all would receive benefits from the project.

Response to Comment P-12
Comment acknowledged. The channel diversion structure would be designed to have no impact on the hydraulic capacity of the existing channel. Aside from the deflateable rubber dam, all

other diversion components would be located beneath the channel flow line or outside the channel walls. The proposed project would result in no increase in potential flooding of adjacent homes and businesses. Hydrologic modeling of the wetland treatment ponds and Talbert Lake indicate that Central Park's flood storage capacity in the project site's immediate vicinity will be increased as a result of the proposed project.

Response to Comment P-13
City Charter Section 612 (Measure C) stipulates that no golf course, driving range, road, building over 3,000 square feet in floor area, or structure costing more than $100,000 may be built on or in any park, beach, or portion thereof "now or hereafter owned or operated by the City unless authorized by the affirmative votes of at least a majority of the total membership of the City Council and by the affirmative vote of at least a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted."

The Talbert Lake Diversion project does not propose any of the above-referenced items/developments and therefore, would not be subject to City Charter Section 612.

Response to Comment P-14
Construction duration for Phase I of the Talbert Lake Diversion Project is estimated to be about 43 weeks (see pg 113 of the MND). Phase 2 construction would not begin for between one and three years after implementation of Phase I. The cost of the project would not increase if construction lasts longer than the estimated duration. Additional crews, if required, would be hired at the expense of the contractor.

Response to Comment P-15
As part of the monitoring program for the Talbert Lake Diversion Project, the shallow groundwater levels around the perimeter of the project site would be monitored quarterly to detect any detrimental increase in groundwater levels. Prior to project operation, the volume of water infiltrated through Talbert Lake would be estimated through a mass water balance calculation to verify that the expected impact on the area's perched groundwater would be less than significant. Once the project is operational, an ongoing monitoring program would measure the actual impact on the area's perched groundwater to ensure the project impact is less than significant. When groundwater levels are at low to medium levels, Talbert Lake would provide some recharge benefits. However, during times of high groundwater levels, the infiltration would be reduced by adjusting inflows into Talbert Lake in order to avoid negative impacts to the surrounding community and Shipley Nature Center.

Response to Comment P-16
During the interim condition (between Phases 1 and 2) the diverted water would be improved in the wetland treatment system and eventually discharged to Talbert Lake where it would either evaporate, infiltrate into the groundwater, or discharge back into Slater Channel. Talbert Lake would generally remain in its existing condition between Phase 1 and Phase 2. The diverted water would not be pumped into the wetland treatment system until after construction of the wetland treatment system is complete.

Response to Comment P-17
The proposed lake design involves excavation back to the design depth of the lake at its initial construction. Accordingly, most of the material excavated for the proposed project's lake restoration will be sediment which has accumulated since the original lake excavation. It is unlikely that increasing the depth of the lake to eight feet will affect the purification efficiency of the perched aquifer; however, project components would ensure that any impact to the aquifer would be less than significant. Project components include conducting geotechnical soil testing

prior to excavation to determine soil type and geological structure. In addition, ongoing monitoring and testing of the infiltrated water would provide the information necessary to implement project adjustments as needed.

Response to Comment P-18
The ultraviolet (UV) treatment cell would be designed to take advantage of the UV disinfection processes available from natural sunlight. Water quality modeling indicates the wetland treatment system and the specialized treatment cells would provide enough treatment to meet the water quality objectives outlined for the project. A monitoring plan would be implemented after construction is complete in order to test water quality and to ensure that the wetland treatment system is meeting the project objectives.

Response to Comment P-19
The flood elevations shown in Exhibit 7.2-8 for existing conditions were created using HEC-1 modeling software and the most current topography and storm drain information available. The purpose of the analysis was to establish a baseline condition by simulating the flood-control storage capability of the park in its current state. The limits of flooding provide an accurate estimate of the way the park currently functions during a storm event. Localized factors (which could affect specific smaller areas of flood elevations) include groundwater levels and obstructions to flow within the park.

The placement of a liner beneath the lake would not significantly increase flood elevations in the park as the existing percolation rate is extremely small relative to the flow rate into the park during a large storm event. The main outlet for high flood events is the overflow weir and culvert into Slater Channel, which would continue to act in a manner that evacuates high waters from the park.

Response to Comment P-20
Clogged bio-filters would not result in flooding. If biomass that accumulates in the filters builds faster than normal, the result would be a bio-filter that is less effective at removing nutrients from the water.

Response to Comment P-21
The pump station at the diversion structure would be designed to shut down when the dam is deflated to minimize diverting storm water into the park. The dam would be deflated and the pump station would be inoperable during a storm event. There is a low probability that storm water would be flowing into Central Park from local sub-watersheds before the diversion structure is deflated. The diversion structure would be connected to the City's existing diversion-control system, which is normally deactivated when there is a 50 percent probability of a rain event. Therefore, the expected peak inflow post-project is 1 mgd (average dry weather flow rate); however in the event of an unexpected storm event, the maximum inflow is 3 mgd, based on pump station design.

Response to Comment P-22
Offensive odors and vector control will be controlled prophylactically through proper design that ensures constant flowing water (not stagnant water), and a biologically diverse ecosystem to maintain a healthy population of mosquitofish.

Response to Comment P-23
If there is not enough flow in the EGGWC to maintain constant flowing water and a biologically diverse habitat, one of the wetland treatment trains may be taken offline. Under this scenario, all

riparian habitat contained within this treatment train would be permanently maintained with either irrigation water or water cycled weekly from either adjacent treatment trains or the lake.

This page intentionally left blank

Letter Q

City of Huntington Beach

JUL 17 2008

July 14, 2008

Jennifer Villasenor, Associate Planner
City of Huntington Beach Planning Department
2000 Main St
Huntington Beach, CA 92648

Regarding: Talbert Lake Diversion Project/Black Bird Pond at the Shipley Nature Center

Dear Ms. Villasenor;

I do support the Talbert Lake Diversion Project in Huntington Central Park, but I have a few concerns.

I read the following statement
"Preliminary calculations and historical observations indicate the infiltration rates and available storage capacity inside the two lakes **and the nature center** will be sufficient to treat the diverted flows. During the summer months, Talbert Lake is completely dry and Huntington Lake is only filled to approximately half its capacity. However, if it is determined that the flow exceeds the treatment capacity, ~~an overflow by-pass will be designed to release the substantially reduced and cleansed~~ overflow into the City's Slater Channel for discharge black into the EGGWC for possible further treatment."

1. Who determines what will be the highest level or treatment capacity of Black Bird pond? 1
2. Why wasn't Black Bird pond issues addressed at the July 1 comment meeting? 2
3. Why weren't the loss of trees stated anywhere? 3
4. When it rains and the Black Bird pond is overflowing, will the Golden West St. culvert continue to flow into the pond? 4

Over the years I have watched Black Bird pond rise and disappear. There have been many instances that have caused me to wonder who is in charge of the water besides Mother Nature. So many trees have been killed because of the unexpected high water levels. We all need to know how the Talbert Lake Diversion project will affect the plant life at the Shipley Nature Center before the project begins.

~~I noticed that $10,000 was estimated for the task of modifications at the~~ SNC? ~~What are these tasks?~~ 5

Sincerely,

Jean Nagy

Jean Nagy

This page intentionally left blank

Response to Comment Q-1
The scope of work that will include Shipley Nature Center's Blackbird Pond is part of the Talbert Lake Diversion Phase II project and is not part of the proposed project assessed in this MND.

Response to Comment Q-2
Blackbird Pond was discussed during question-and-answer dialogue at the July 1, 2008 public meeting. As restoration elements near Shipley Nature Center are not included in the Talbert Lake Diversion Project scope, there was no detailed discussion of that area of the park. However, concerns expressed at this meeting regarding proposed project groundwater impacts at Blackbird Pond have been addressed by the water quality monitoring program, detailed in response to Comment F-4. Please also see response to Q-1.

Response to Comment Q-3
Shallow groundwater levels around the perimeter of the project site will be monitored as part of the proposed project's Adaptive Management Plan. Please refer to the response to Comment F-4 (above) for a detailed description of this water quality monitoring program. Once the project is operational, this ongoing monitoring program would measure the infiltration volumes and groundwater levels in the vicinity of the project site to ensure the impact to surrounding public and private properties (including trees at Shipley Nature Center and Blackbird Pond) are less than significant. Proposed project elements near Talbert Lake provide for the replacement of riparian habitats at a ratio of 1:1 resulting in no net loss) such that impacts remain less than significant.

Response to Comment Q-4
The flow from the Goldenwest Street culvert would continue to convey storm flows from Talbert Lake into Slater Channel adjacent to Blackbird Pond. During significant storm events there may be overflow from Slater Channel into Blackbird Pond similar to the way each system currently operates. After project implementation, the culvert under Goldenwest Street and Blackbird Pond would continue to operate as they do in the pre-project condition. Hydrologic modeling performed for the Talbert Lake Diversion Project indicates the peak flow rate in the culvert under Goldenwest Street during a 100-year storm event would be slightly reduced from 174 cubic feet per second (cfs) to 170 cfs.

Response to Comment Q-5
Although not a part of the Talbert Lake Diversion Project covered by this MND, the scope of work to be conducted at the Shipley Nature Center as part of another water quality improvement project has not been finalized; however, the intent for the proposed future project at Shipley is to improve the water quality of Blackbird Pond with aeration and circulation elements.

This page intentionally left blank

Letter R

Villasenor, Jennifer

From: Glenn Robertson [grobertson@waterboards.ca.gov]
Sent: Thursday, July 17, 2008 4:26 PM
To: Villasenor, Jennifer
Subject: Talbert Lake Diversion Project

Attachments: Glenn Robertson.vcf

Glenn
:obertson.vcf (487 B

Jennifer--I am the Regional Board's CEQA coordinator. I have been working with our grant manager for this project, Athar Khan, to get you a CEQA response letter by today, the CEQA deadline. It will not happen today and I will do everything to email it tomorrow.

So far I see no reference to a grant program in the MND. I do see reference to this plan being a SEP....I am not familiar with the situation...was there a fine or other requirement imposed by the Regional Board itself on the City, such that the SEP was agreed upon? I may not include more than a sentence about it in the letter, if I do at all, but I would appreciate any background that you know about. Thanks, Glenn Robertson 1

Glenn Robertson, Engineering Geologist
CEQA Coordinator
California Regional Water Quality Control Board, Santa Ana Region (8)
3737 Main Street, Suite 500
Riverside, CA 92501-3348
(951) 782-3259
Fax (951) 781-6288
Email grobertson@waterboards.ca.gov
Website: www.waterboards.ca.gov/santaana

1

This page intentionally left blank

Response to Comment R-1

Under the authority of the California Water Code, the Santa Ana Regional Water Quality Control Board (Regional Board) may issue administrative civil liability complaints (ACLCs) to dischargers in response to known violations. Assessments collected through this process are required to be paid to the State Water Board's Cleanup and Abatement Account (CAA). The Regional Board administers the CAA and funds are used to address important water quality cleanup activities throughout the state. As an alternative to depositing the ACLC assessments in the CAA, the funds may be used for important projects within the region in which the fine was assessed. These projects are known by the term "Supplemental Environmental Projects" (SEPs). In May 2001, the Regional Board solicited proposals for appropriate projects to be included on the list of approved SEPs for funding. At that time City of Huntington Beach staff submitted the Talbert Lake Diversion Project for consideration and approval as an SEP. The project was subsequently approved and included as Number 26 on the list of the Santa Ana Regional Board's Approved Supplemental Environmental Projects (dated June 5, 2008). The project is designated on this list by the project's former title, the "East Garden Grove-Wintersburg Channel Urban Runoff Diversion to Natural Treatment Systems in Huntington Central Park."

This page intentionally left blank

Letter S

(1)

Talbert Lake Diversion Project
DRAFT MITIGATED NEGATIVE DECLARATION
PUBLIC COMMENT FORM

City of Huntington Beach
JUL 18 2008

If you would like to **comment on the draft Mitigated Negative Declaration** for the Talbert Lake Diversion Project, please fill out the information below. Please leave this comment form at the sign-in table before you leave tonight, or otherwise mail it in by **Friday, July 18, 2008** to:

Jennifer Villasenor, Associate Planner
City of Huntington Beach
Department of Planning
2000 Main Street
Huntington Beach, CA 92648
Phone: (714) 374-1661

Name (optional) Richard Wagner
Organization (optional) _____
Address 17442 Whetmore Lane
City Huntington Beach State CA Zip 92647
Phone _____ (optional) Fax _____ (optional)
E-mail _____ (optional)

Comments *(attach additional pages if needed)*
Talbert Lake Diversion Project

I am not in favor of the Diversion Project — I am very much against it. Diverting 3 million gallons per day of dry weather flows from the Wintersburg Channel into Central Park is not a pleasant prospect.

I resent the fact that much of the land use on the North side of the park will be diminished to a great extent. I don't see that we in the surrounding area benefit at all from this project. 1

Note: All comments will become public information.

the open water and channel areas upset me quite a bit — Please leave Central Park as it is! Why have we not heard anything about this project prior to the Draft Negative Declaration. 2

This page intentionally left blank

Response to Comment S-1
Comment acknowledged. Please see Response to Comments K-5 and N-5.

Response to Comment S-2
Comment acknowledged. The proposed project was discussed at several public meetings over the previous four years. These public meetings included two City Council meetings (pertaining to grant funding for the project), four City Council Water Quality Sub Committee meetings, one Public Works Commission meeting, and one Community Services Commission meeting. The project's overall environmental compliance process is being conducted in accordance with CEQA's public notification and review provisions, and has included a public information meeting on July 1, 2008 during the mandated 30-day public review period for the MND. Notice of this meeting was sent to all properties within a 500-foot radius of the project site in addition to being advertised in the newspaper and on the City's website. The draft MND (environmental assessment) is also subject to approval by the City's Zoning Administrator, which will provide the public with another opportunity to review and comment on the project.

This page intentionally left blank

IV. ERRATA TO DRAFT MITIGATED NEGATIVE DECLARATION NO. 08-003

The following changes to the Draft MND No. 08-003 are noted below. The changes to the Draft MND as they relate to issues contained within this errata sheet do not affect the overall conclusions of the environmental document. The changes are identified by the comment reference.

Comment A-2
Table 12.4-3 below has been modified to reflect current beneficial uses of the downstream receiving waters of the EGGWC:

TABLE 12.4-3
BENEFICIAL USES OF EGGWC DOWNSTREAM RECEIVING WATERS

Receiving Waters	Navigation (NAV)	Recreation (water contact) (REC1)	Recreation (non-water contact) (REC2)	Commercial and Sport fishing (COMM)	Biological Habitats of Special Significance (BIOL)	Wildlife Habitat (WILD)	Rare, Threatened, or Endangered Species (RARE)	Spawning, Reproduction, and Development (SPWN)	Marine Habitat (MAR)	Shellfish Harvesting (SHEL)	Estuarian Habitat (EST)
Sunset Bay – Huntington Harbour	X	X	X	X		X	X	X	X		
Bolsa Chica Ecological Reserve		X	X		X	X	X	X	X		X
Bolsa Bay		X	X	X	X	X	X	X	X	X	
Source: SARWQCB 1995.											

Comment J-2
Comment acknowledged. The text on Column 2, Row 3 of the table on Page 3 of Attachment 1 is hereby revised as follows:

"Ponded water behind the diversion alternatives could create long-term objectionable odors from stagnant water."

Comment K-1
The last sentence of the fifth paragraph on page 17 of the MND has been modified to read as follows:

"The Los Alamitos Channel drains into the San Gabriel River; the Bolsa Chica Channel outlets into the Huntington-Harbor complex, and the EGGWC drains into Huntington Harbour through Outer Bolsa Bay".

This page intentionally left blank