

FINAL

AUGUST 2013

Environmental Impact Report for the Remediation and Reuse of the Former Gun Range within Huntington Central Park

Prepared for:
City of Huntington Beach



Prepared by:
RBF Consulting

FINAL ENVIRONMENTAL IMPACT REPORT

**REMEDICATION AND REUSE
OF THE FORMER GUN RANGE
WITHIN HUNTINGTON CENTRAL PARK**

SCH NO. 2009041150

Lead Agency:

CITY OF HUNTINGTON BEACH

2000 Main Street

Huntington Beach, CA 92648

Contact: Mr. Ricky Ramos

714.536.5271

Prepared by:

RBF CONSULTING

14725 Alton Parkway

Irvine, California 92618-2027

Contact: Mr. Glenn Lajoie, AICP

Mr. Alan Ashimine

949.472.3505

August 2013

JN 10-105676



TABLE OF CONTENTS

Section 1.0:	Introduction	1-1
Section 2.0:	Response to Comments.....	2-1
Section 3.0:	Errata.....	3-1
Section 4.0:	Mitigation Monitoring and Reporting Program.....	4-1



1.0 Introduction



1.0 INTRODUCTION

In accordance with the *California Environmental Quality Act Guidelines* (CEQA Guidelines) Section 15088, the City of Huntington Beach, as the lead agency, has evaluated the comments received on the Remediation and Reuse of the Former Gun Range Within Huntington Central Park Project Draft Environmental Impact Report (Draft EIR).

The Draft EIR for the proposed Remediation and Reuse of the Former Gun Range Within Huntington Central Park Project (herein referenced as the project) was distributed to responsible and trustee agencies, interested groups, and organizations. The Draft EIR was made available for public review and comment for a period of 45 days. The public review period for the Draft EIR (established by the CEQA Guidelines) commenced on May 9, 2013 and ended June 24, 2013.

The Final EIR consists of the following components:

- Section 2 – Responses to Comments on the Draft EIR
- Section 3 – Errata
- Section 4 – Mitigation Monitoring and Reporting Program

Due to its length, the text of the Draft EIR is not included with this document; however, it is included by reference in this Final EIR. None of the corrections or clarifications to the Draft EIR identified in this document constitutes “significant new information” pursuant to Section 15088.5 of the CEQA Guidelines. As a result, a recirculation of the Draft EIR is not required.



2.0 Response to Comments



2.0 RESPONSE TO COMMENTS

In accordance with the *California Environmental Quality Act Guidelines* (CEQA Guidelines) Section 15088, the City of Huntington Beach, as the lead agency, evaluated the written comments received on the Draft EIR (State Clearinghouse No. 2009041150) for the Remediation and Reuse of the Former Gun Range Within Huntington Central Park Project (herein referenced as the project) and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR is presented below. Each comment has been assigned a letter number. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Commenter

Letter Number

Agencies/Organizations

Regional Water Quality Control Board – Ray Akhtarshad, PE, WRC Engineer	1
State of California Public Utilities Commission – Ken Chiang, PE, Utilities Engineer	2
Orange County Waste & Recycling – Jeff Arbour, Closed Sites Manager	3
County of Orange Health Care Agency – Kathryn Cross, PG, REHS, Supervising Hazardous Waste Specialist	4
Native American Heritage Commission – Dave Singleton	5
California Department of Fish and Wildlife – Jennifer Edwards, Environmental Scientist	6
Orange County Public Works – Polin Modanlou, Manager	7
City of Huntington Beach Environmental Board – Jeff Coffman, Chairman	8
California Department of Transportation – Christopher Herre, Branch Chief	9
State of California Governor’s Office of Planning and Research – Scott Morgan, Director, State Clearinghouse	10

Public

Mark D. Bixby, Huntington Beach Planning Commission Chairperson	11
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From: Ramos, Ricky <r.rramos@surfcity-hb.org>
Sent: Tuesday, May 14, 2013 11:35 AM
To: Ashimine, Alan; Chiene, Kelly
Cc: Broeren, Mary Beth; Dominguez, David
Subject: FW: Draft EIR for Remediation and Reuse of the Former Gun Range within Huntington Central Park

From: Akhtarshad, Ray@Waterboards [<mailto:Ray.Akhtarshad@waterboards.ca.gov>]
Sent: Tuesday, May 14, 2013 11:08 AM
To: Ramos, Ricky
Cc: Robertson, Glenn@Waterboards
Subject: Draft EIR for Remediation and Reuse of the Former Gun Range within Huntington Central Park

Dear Mr. Ramos,

We have reviewed your Draft EIR for remediation and reuse of the former gun range within Huntington Central Park. The EIR does not address any water quality issues associated with the project. However, due to the fact that the site is located within the salt water intrusion zone, there are no groundwater beneficial uses at the site. Furthermore, the remediation of the site can only improve water quality by removing the lead contamination from the site. Therefore, we have no comments on the draft EIR at this time. Thank you for the opportunity to review the draft EIR.

1-1

If you have any questions, please contact me.

Thank you,

Ray Akhtarshad, PE
WRC Engineer
Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501
(951) 320-2024
rakhtarshad@waterboards.ca.gov



1. RESPONSES TO COMMENTS FROM REGIONAL WATER QUALITY CONTROL BOARD, MAY 14, 2013.

- 1-1 Draft EIR Section 10.0, *Effects Found Not to be Significant*, discusses the potential water quality impacts associated with the proposed project. As noted in the comment, remediation of the site would improve water quality. Impacts would be less than significant.

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
 LOS ANGELES, CA 90013



May 20, 2013

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

Dear Mr. Ramos:

Re: SCH 2009041150 Huntington Beach Reuse of Former Gun Range Project DEIR

The California Public Utilities Commission (CPUC) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings. The CPUC's Rail Crossings Engineering Section (RCES) is in receipt of the *Draft Environmental Impact Report (DEIR)* for the proposed City of Huntington Beach (City) Reuse of Former Gun Rang project from the State Clearinghouse.

According to the DEIR, the project includes redevelopment and reuse of the site as a commercial recreational facility and other open space/park use element. The Union Pacific Railroad (UPRR) Company Stanton Branch track runs parallel to Gothard Street, at a distance of approximate 400 feet east. The at-grade Talbert Avenue crossing, identified by CPUC Number (No.) 001BAA-521.59 and federal Department of Transportation (DOT) No. 748045B, is present nearby the project site.

Any development adjacent to or near the railroad/light rail right-of-way should be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. As part of the project, RCES recommends at a minimum the following safety improvements at the nearby crossing:

2-1

- Install Americans with Disabilities Act (ADA) compliant standard detectable warning tactile strips on all pedestrian approaches to the crossing, either 12 feet away from the track or two (2) feet away from the current CPUC Standard 8/8-A warning devices, whichever is further away from the track; and
- Install two (2) edge-line stripes for each sidewalk passage at each crossing.

The RCES has no opportunity to review the DEIR at this time. Language should be in place so that any traffic impact studies undertaken should also address rail crossing safety analysis and associated proposed mitigation measures. Safety analysis should include queuing on tracks, pedestrian movements, turning movements and sightlines. Additional safety improvement measures may include the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes (e.g., addition or upgrade of crossing warning devices, active and passive signs, and channelization fencing).

2-2

In addition, any modification to an existing crossing requires authorization from the CPUC. RCES representatives are available for consultation on any potential safety impacts or concerns on the nearby crossings. The City should also arrange a diagnostic meeting with UPRR and RCES staff to discuss relevant safety issues and requirements for authorization to alter the existing at-grade crossing

2-3

Ricky Ramos
May 20, 2013
Page 2 of 2

as necessary. Please continue to keep RCES informed of the project's development and submit the recommended traffic study to RCES for review and approval prior to the approval of the DEIR. More information can be found at: <http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/index.htm>.

2-3

If you have any questions, please contact Ken Chiang at 213-576-7076, email at ykc@cpuc.ca.gov, or Kevin Schumacher at (415) 310-9807, email kevin.schumacher@cpuc.ca.gov.

Sincerely,



Ken Chiang, P.E.
Utilities Engineer
Rail Crossings Engineering Section
Safety & Enforcement Division

CC: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044



2. RESPONSES TO COMMENTS FROM STATE OF CALIFORNIA PUBLIC UTILITIES COMMISSION, DATED MAY 20, 2013.

- 2-1 The comment states that any development adjacent to or near the railroad/light rail right-of-way should be planned with the safety of the rail corridor in mind and recommends safety improvements for the at-grade Talbert Avenue crossing, east of Gothard Street. The project site, located within the existing Huntington Central Park Boundary, is not located adjacent to the Union Pacific Railroad (UPRR) Company Stanton Branch track, which runs east of and parallel to Gothard Street. Draft EIR Section 5.8, *Traffic and Circulation*, analyzes potential traffic and circulation impacts associated with the proposed project. As indicated in Tables 5.8-7 and 5.8-9, traffic generated by the proposed project would not result in significant impacts at the Gothard Street/Talbert Avenue intersection, which is located approximately 600 feet west of the at-grade Talbert Avenue crossing. Thus, it is not expected that any adverse safety impacts would occur at this rail crossing location as a result of the proposed project.
- 2-2 Refer to Response 2-1. The project does not propose modifications to Talbert Avenue or the existing at-grade rail crossing, and vehicular/pedestrian safety would not be affected.
- 2-3. The project does not propose any modifications to an existing rail crossing. The comment is noted.



Dylan Wright, Interim Director
300 N. Flower Street, Suite 400
Santa Ana, CA 92703

www.oclandfills.com
Telephone: (714) 834-4000
Fax: (714) 834-4183

May 30, 2013

Ricky Ramos, Senior Planner
City of Huntington Beach
Planning and Building Department
P.O. Box 190
Huntington Beach, CA 92648

RECEIVED

MAY 31 2013

Dept. of Planning
& Building

**Subject: Draft EIR for the Remediation and Reuse of the Former Gun Range within
Huntington Central Park**

Dear Mr. Ramos:

The County of Orange owns the former Gothard landfill, located directly east of the Former Gun Range site. The landfill is maintained by OC Waste & Recycling (OCWR). Access to the Former Gun Range site is provided by a paved private access driveway that is owned by the County of Orange. On February 9, 2010, the County of Orange issued an easement to the City of Huntington Beach (City) for the use of this private access driveway for the City's remediation project for the Former Gun Range site and for providing access for future uses on the Former Gun Range site, after remediation has been completed. The easement also allows the City to improve the private access driveway to accommodate these uses, as long as certain conditions included in the easement are met. These conditions include the following: (1) OCWR review and approval of any engineering plans for proposed improvements to the private access driveway, (2) proper excavation and disposal of any refuse materials encountered during improvements to the private access driveway and (3) the installation of engineered drainage improvements associated with improvements to the private access driveway so that no drainage impacts to the landfill will occur. Please refer to the attached easement for all required conditions.

3-1

In addition, per a concurrence letter signed by both the City Public Works Director and OCWR Director, dated December 24, 2009 (attached), during improvements to the private access driveway, the City agrees not to remove any coastal sage scrub (CSS), since the CSS may provide habitat for the federally threatened coastal California gnatcatcher. In addition, the City agrees that construction work within the easement area will occur outside of the gnatcatcher breeding season, which lasts from February 15th through August 31st, since any construction within 300 feet of a nesting California gnatcatcher is considered harassment to a federally protected species.

3-2

OCWR maintains one groundwater monitoring well (i.e., groundwater monitoring well #2), which is located immediately north of the Gothard landfill red perimeter fence, directly adjacent to the private access driveway that will be improved by the City. Maintaining this groundwater monitoring well in its current location is extremely important to OCWR for assessing

3-3

groundwater quality at Gothard. Therefore, as a condition of the City's improvements to the private access driveway, OCWR requires that the City convert the above-ground access to the groundwater monitoring well to a traffic-rated valve box set, flush with the roadway surface, so that OCWR can continue sampling this groundwater monitoring well at any time without any physical barriers. This type of groundwater monitoring well modification is commonly performed during roadway improvement projects.

Please contact me at (714) 834-4056 or by email at jeff.arbour@ocwr.ocgov.com if you have any questions or if you need any additional information.

Attachments



Jeff Arbour, Closed Sites Manager
Government & Community Relations

1 RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:

3 City of Huntington Beach
5 P.O. Box 190
7 Huntington Beach, CA 92648
Attn: Real Estate Services

Recorded in Official Records, Orange County
Tom Daly, Clerk-Recorder

NO FEE

2010000071495 12:07 pm 02/16/10
62 413 E01 A04 13
0.00 0.00 0.00 0.00 36.00 0.00 0.00 0.00

9 Recording Fee Exempt
Per Government Code 27382
11 Exempt from payment of
Documentary Transfer Tax

THIS SPACE FOR RECORDER'S USE ONLY

Project No: PM 105-31
Project: Gothard Street Landfill

EASEMENT DEED

THIS EASEMENT DEED is made February 9, 2010, by and between
COUNTY OF ORANGE, a political subdivision of the State of California, ("GRANTOR") and CITY OF
HUNTINGTON BEACH, a body corporate and politic, ("GRANTEE").

RECITALS

- A. GRANTOR is the fee owner of certain real property (the "Easement Area") located at the Gothard Street closed landfill in the County of Orange, State of California, described in Exhibit A and shown on Exhibit B, both attached hereto and made a part hereof.
- B. In conjunction with its adjacent park development, GRANTEE wishes to construct road improvements over the Easement Area.
- C. GRANTOR desires to convey a non-exclusive easement to GRANTEE over and across the Easement Area for access purposes and for constructing and maintaining road and drainage improvements, inspecting, repairing, replacing and taking all other actions reasonably necessary for GRANTEE to construct road and drainage improvements and to preserve the integrity of the Easement Area and the closed Gothard Street Landfill upon the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the premises and agreements contained herein and for other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. GRANT OF EASEMENT

GRANTOR hereby grants to GRANTEE a non-exclusive easement over and across the land known as the closed Gothard Street Landfill in the City of Huntington Beach, County of Orange, State of California (the "Easement Area") described in Exhibit "A" and shown on Exhibit "B", attached hereto and by this reference incorporated herein, for access purposes and for constructing and maintaining road and drainage

1 improvements, inspecting, repairing, replacing, and taking all other actions reasonably necessary for
GRANTEE to preserve the integrity of the Easement Area and the closed Gothard Street Landfill.
3 GRANTEE agrees to undertake all activities necessary to maintain both the road and drainage improvements
and the integrity of the Easement Area at its sole cost and expense. Such activities shall include but not be
5 limited to, fence maintenance, erosion control and soil stability.

7 2. CONSTRUCTION AND MAINTENANCE

9 GRANTEE shall have all construction and maintenance plans approved in writing by GRANTOR's Director
of OC Waste & Recycling or designee (hereinafter referred to as "Director") prior to commencement of any
11 work within the Easement Area; and upon completion of any work GRANTEE shall immediately notify
Director in writing of such completion. Director's approval of GRANTEE's construction and maintenance
13 plans shall not be deemed approval from the standpoint of structural safety, suitability for purpose or
conformance with building or other codes or other governmental requirements. GRANTOR is not
15 responsible for design, assumptions or accuracy of GRANTEE's construction and maintenance plans.
Director will rely on the professional expertise of the Engineer of Record when approving GRANTEE's
17 construction and maintenance plans.

19 Should it be necessary for GRANTEE to disturb the surface of the Easement Area subsequent to the
completion of the initial installation of road and drainage improvements, GRANTEE agrees to notify
21 Director in writing sixty (60) days in advance and to obtain Director's written approval of all plans prior to
commencement thereof and obtain a permit for construction from GRANTOR after payment of normal
23 processing fees. Said approval shall not be withheld unreasonably, nor shall said approval be necessary in
any emergency situation, however, GRANTEE shall notify GRANTOR of such emergency situation.

25 GRANTEE shall have reasonable access to the Easement Area for the purpose of exercising the rights herein
27 granted; provided however, that any excavation shall be made in such a manner as will cause the least injury
to the surface of the ground and any improvements, including the closed Gothard Landfill and that the earth
29 so removed shall be replaced and the surface of the ground and any improvements and landscaping around
such excavation damaged shall be promptly restored by GRANTEE at its expense to the same condition as
31 existed prior to excavation, to Director's satisfaction. All improvements owned or constructed by
GRANTEE pursuant to this Easement Deed shall be maintained by GRANTEE in good repair and in safe
33 condition and in accordance with all applicable laws, rules and regulations at no cost to GRANTOR.

35 GRANTEE is aware that the Easement Area is a portion of a former refuse disposal station containing fill
consisting of trash and other waste materials and may be subject to surface and subsurface instability,
37 settlement, gas generation, spontaneous combustion, cracking, smoking, and other conditions because of
such former use. Additionally, GRANTEE is aware that GRANTOR has landfill monitoring facilities in the
39 Easement Area.

41 If GRANTEE encounters any refuse during construction within the Easement Area, GRANTEE shall remove
and dispose of all such refuse and shall restore the Easement Area with properly engineered fill in
43 accordance with specifications acceptable to and approved in writing by the Director and in accordance with
all applicable laws and ordinances.

45 All improvements constructed or placed in the Easement Area by GRANTEE shall include engineered
47 drainage improvements (both during construction and operation), so that drainage from the Easement Area
will not impact the landfill waste prism. GRANTEE shall coordinate the design of its improvements in the
49 Easement Area with Director to accommodate installation of groundwater facilities and allow uninterrupted

1 access by GRANTOR to groundwater monitoring facilities in addition to GRANTOR's existing facilities
3 within the Easement Area.

5 3. COMPLIANCE WITH APPLICABLE WATER QUALITY REQUIREMENTS

7 GRANTEE shall ensure that all construction in the Easement Area is performed in accordance with any
9 NPDES (National Pollutant Discharge Elimination System) permit requirements or other water quality
11 statutes, regulations, ordinances, or permits applicable to the construction, including but not limited to use of
13 appropriate best management practices, so as to ensure that pollutants are not discharged into the waters of
15 the State.

17 4. RELOCATION/CLOSURE OF EASEMENT AREA

19 GRANTOR reserves the right to relocate the Easement Area. In the event GRANTOR exercises this right,
21 GRANTOR shall bear all costs of relocating the Easement Area and replacing GRANTEE's improvements.

23 GRANTOR reserves the right to close access to the Easement Area for reasonable periods of time for
25 construction, maintenance and repair on its landfill facilities. Any such closure shall be reviewed and
27 approved by GRANTEE, whose approval shall not be unreasonably withheld. In the event of any emergency
29 such approval by GRANTEE shall not be required; however, GRANTOR shall notify GRANTEE of such
31 emergency closure.

33 5. INSURANCE

35 GRANTEE agrees to procure and maintain at its sole cost and expense at all times while this Easement is in
37 effect acceptable commercial general liability insurance and automobile liability insurance. GRANTEE
39 agrees to name the County of Orange as an additional insured under its commercial general liability and
41 automobile liability policies, and agrees that its insurance is primary and non-contributing with any insurance
43 maintained by GRANTOR. GRANTEE agrees to waive all rights of subrogation against the County of
45 Orange under the commercial general liability and automobile liability insurance policies. GRANTEE
47 agrees to furnish a current certificate of insurance with the required endorsements (governmental entities
49 with requisite financial capability may self-insure). Commercial liability and automobile liability policies
shall provide for not less than thirty (30) days prior written notice to GRANTOR before cancellation or
amendment.

Acceptable insurance shall meet the Minimum Limits as set forth below:

Commercial General Liability: \$1,000,000 combined single limit per occurrence

Automobile Liability: California Statutory Limits.

GRANTEE can self-insure for their insurance coverage provided such self-insurance meets or exceeds all
provisions of the insurance requirements as stated above throughout the term of this Easement. GRANTEE
shall provide a letter or Certificate of Self-Insurance verifying all the stated coverage minimums and
comparable terms to GRANTOR.

GRANTOR's Risk Manager retains the right to increase, decrease or waive any of the above insurance limits
or to add additional coverages as may be deemed appropriate to adequately protect the County of Orange.
GRANTOR shall notify GRANTEE in writing of changes in the insurance requirements. Certificates of

1 insurance and endorsements, or a Certificate of Self-Insurance, shall be provided to GRANTOR within thirty
3 (30) days of notification. The procuring of required policy or policies of insurance shall not be construed to
5 limit GRANTEE's liability hereunder nor to fulfill the indemnification provisions and requirements of this
7 Easement Deed.

6. HOLD HARMLESS

9 GRANTEE hereby releases and waives all claims and recourse against GRANTOR, including the right of
11 contribution for loss or damage to persons or property, arising from, growing out of or in any way connected
13 with or related to this Easement Deed except claims arising from the concurrent active or sole negligence of
15 GRANTOR, its officers, agents, employees and contractors. GRANTEE hereby agrees to indemnify, defend
17 (with counsel approved in writing by GRANTOR), and hold harmless, GRANTOR, its elected and appointed
19 officials, officers, agents, employees and contractors against any and all claims, losses, demands, damages,
21 cost, expenses or liability for injury to any persons or property, arising out of the operation or maintenance of
23 the Facilities and GRANTEE's exercise of its rights under this Easement Deed, except for liability arising out
25 of the concurrent active or sole negligence of GRANTOR, its elected and appointed officials, officers,
agents, employees or contractors, including the cost of defense of any lawsuit arising therefrom. If
GRANTOR is named as co-defendant in a lawsuit, GRANTEE shall notify GRANTOR of such fact and
shall represent GRANTOR in such legal action unless GRANTOR undertakes to represent itself as co-
defendant in such legal action, in which event, GRANTEE shall pay to GRANTOR its litigation costs,
expenses, and attorneys' fees. If judgment is entered against GRANTOR and GRANTEE by a court of
competent jurisdiction because of the concurrent active negligence of GRANTOR and GRANTEE,
GRANTOR and GRANTEE agree that liability will be apportioned as determined by the court. Neither
party shall request a jury apportionment.

27 GRANTEE acknowledges that it is familiar with the language and provisions of California Civil Code
Section 1542 which provides as follows:

29 *A general release does not extend to claims which the creditor does not know or*
31 *suspect to exist in his/her favor at the time of executing the release, which, if known by*
him/her, must have materially affected his settlement with the debtor.

33 GRANTEE, being aware of and understanding the terms of Section 1542, hereby waives all benefit of its
provisions to the extent described in this paragraph.

35 GRANTEE hereby agrees to indemnify, defend (with counsel approved in writing by GRANTOR), and hold
37 harmless, GRANTOR, its elected and appointed officials, officers, agents, employees and contractors against
39 any and all claims, losses, demands, damages, cost, expenses or liability (herein after referred to as
"Claims") for injury to any persons or property, arising out of the operation, maintenance, or use of the
Easement Area, including but not limited to Claims arising from use of the Easement Area by the general
public and/or GRANTEE's exercise of its rights under this Easement Deed, except for liability arising out of
the concurrent active or sole negligence of GRANTOR, its elected and appointed officials, officers, agents,
employees or contractors, including the cost of defense of any lawsuit arising therefrom. If GRANTOR is
named as co-defendant(s) in a lawsuit, GRANTEE shall notify GRANTOR of such fact and shall represent
GRANTOR in such legal action unless GRANTEE undertakes to represent itself as co-defendant(s) in such
legal action, in which event GRANTEE shall pay to GRANTOR, its litigation costs, expenses, and attorneys'
fees. If judgment is entered against GRANTOR and GRANTEE by a court of competent jurisdiction
because of the concurrent active negligence of GRANTOR and GRANTEE, GRANTOR and GRANTEE
agree that liability will be apportioned as determined by the court. Neither party shall request a jury
apportionment.

1 7. HAZARDOUS MATERIALS

3 A. Definition of Hazardous Materials. For purposes of this Easement Deed, the term “Hazardous Material”
5 or “Hazardous Materials” shall mean any hazardous or toxic substance, material, product, byproduct, or
7 waste which is or shall become regulated by any governmental entity, including, without limitation,
GRANTOR acting in its governmental capacity, the State of California or the United States government.

9 B. Use of Hazardous Materials. GRANTEE or GRANTEE’s employees, agents, independent contractors
11 or invitees (collectively “GRANTEE’s Permittees”) shall not cause or permit any Hazardous Materials to be
13 brought upon, stored, kept, used, generated, released into the environment or disposed of on, under, from or
15 about the Easement Area (which for purposes of this clause shall include the subsurface soil and
groundwater). Notwithstanding the foregoing, GRANTEE may keep and use in machinery or equipment on
or about the Easement Area small quantities of Hazardous Materials that are used in the ordinary, customary
and lawful construction and maintenance of the Facilities on the Easement Area.

17 C. GRANTEE Obligations. If the presence of any Hazardous Materials on, under or about the Easement
19 Area caused or permitted by GRANTEE or GRANTEE’s Permittees results in (i) injury to any person, (ii)
21 injury to or contamination of the Easement Area (or a portion thereof), or (iii) injury to or contamination of
23 any real or personal property wherever situated, GRANTEE, at its sole cost and expense, shall promptly take
25 all actions necessary or appropriate to return the Easement Area to the condition existing prior to the injury
27 or contamination. Without limiting any other rights or remedies of GRANTOR under this Easement Deed,
29 GRANTEE shall pay the cost of any cleanup or remedial work performed on, under or about the Easement
31 Area as required by this Easement Deed or by applicable laws in connection with the removal, disposal,
neutralization or other treatment of such Hazardous Materials caused or permitted by GRANTEE or
GRANTEE’s Permittees. Notwithstanding the foregoing, GRANTEE shall not take any remedial action in
response to the presence, discharge or release, of any Hazardous Materials on, under or about the Easement
Area caused or permitted by GRANTEE or GRANTEE’s Permittees, or enter into any settlement agreement,
consent decree or other compromise with any governmental or quasi governmental entity without first
obtaining the prior written consent of GRANTOR. All work performed or caused to be performed by
GRANTEE as provided for above shall be done in good and workmanlike manner and in compliance with
plans, specifications, permits and other requirements for such work approved by GRANTOR.

33 D. Indemnification for Hazardous Materials. To the fullest extent permitted by law, GRANTEE hereby
35 agrees to indemnify, hold harmless, protect and defend (with counsel approved in writing by GRANTOR)
37 GRANTOR, its elected officials, officers, employees, agents and independent contractors and the Easement
Area from and against any and all liabilities, losses, damages (including, but not limited to, damages for the
39 loss of the Easement Area, diminution in the value of the Easement Area, judgments, fines, demands, claims,
41 recoveries, deficiencies, costs and expenses (including, but not limited to, reasonable attorneys fees,
43 disbursements and court costs and all other professional or consultants expenses), whether foreseeable or
unforeseeable, arising directly or indirectly out of the presence, use, generation, storage, treatment, on or off-
site disposal or transportation of Hazardous Materials on, into, from, under or about the Easement Area by
GRANTEE or GRANTEE’s Permittees. The foregoing indemnity shall also specifically include the cost of
any required or necessary repair, restoration, clean-up or detoxification of the Easement Area and the
preparation of any closure or other required plans.

47 8. EXCEPTIONS AND RESERVATIONS

49 GRANTOR hereby reserves for itself and its successors and assigns, such surface, subsurface, and aerial
rights as will not interfere with or prohibit the reasonable use by GRANTEE, its successors and assigns, of

1 the rights of the Easement herein granted. GRANTOR will not place or permit any building on the Easement
3 Area or otherwise interfere with the reasonable full enjoyment by GRANTEE of the Easement hereby
granted.

5 This grant is subject to all contracts, leases, licenses, easements, liens, encumbrances, covenants, conditions,
7 restrictions, reservations, rights, rights of way and claims of record or which would be apparent from a
survey or inspection of the Easement Area which may affect the Easement Area, and the use of the word
9 "grant" herein shall not be construed as a covenant against the existence of any thereof. Nothing contained
herein, or in any document related hereto, shall be construed to imply the conveyance to GRANTEE of rights
11 in the property which exceed those owned by GRANTOR, or any representation or warranty, either express
or implied, relating to the nature or condition of the property or GRANTOR's interest therein.

13 Nothing expressed or mentioned in this Easement Deed is intended or shall be construed to give any person,
15 other than the parties hereto and their respective successors and assigns, any legal or equitable right, remedy
or claim under or in respect of this Easement Deed or any provisions hereof being intended to be and being
17 for the sole and exclusive benefit to the parties hereto and their successors and assigns described above, and
for the benefit of no other person.

19 9. VENUE

21 The parties hereto agree that this Easement Deed has been negotiated and executed in the State of California
and shall be governed by and construed under the laws of California. In the event of any legal action to
23 enforce or interpret this Easement Deed, the sole and exclusive venue shall be a court of competent
jurisdiction located in Orange County, California, and the parties hereto agree to and do hereby submit to the
25 jurisdiction of such court, notwithstanding Code of Civil Procedure Section 394. Furthermore, the parties
hereto specifically agree to waive any and all rights to request that an action be transferred for trial to another
27 county.

29 10. SEVERABILITY

31 If any term, covenant, condition, or provision of this Easement Deed is held by a court of competent
jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full
33 force and effect and shall in no way be affected, impaired or invalidated thereby.

35 11. SUCCESSORS AND ASSIGNS

37 The terms, covenants and conditions contained herein shall apply to and bind the heirs, successors,
executors, administrators and assigns of the parties hereto.

39 12. CALENDAR DAYS

41 Any reference to the word "day" or "days" herein shall mean calendar day or calendar days, respectively,
43 unless otherwise expressly provided.

45 13. ATTORNEY FEES

47 Except for the application of the provisions of sections 6 and 7.D, in any action or proceeding brought to
enforce or interpret any provisions of this Easement Deed, or where any provision hereof is validly asserted
49 as a defense, each party shall bear its own attorney fees and costs.

1 14. AMENDMENTS

3 No alteration or variation of the terms of this Easement Deed shall be valid unless made in writing and
5 signed by the parties, and no oral understanding or agreement not incorporated herein shall be binding on
7 any of the parties. Any amendment or cancellation of the Easement Deed shall be recorded in the Official
9 Records of the County of Orange.

11 15. AUTHORITY

13 The parties to this Easement Deed represent and warrant that this Easement Deed has been duly authorized
15 and executed and constitutes the legally binding obligation of their respective organization or entity,
17 enforceable in accordance with its terms.

19 16. HEADINGS

21 The headings in this Easement Deed are for convenience of reference only and shall not limit or otherwise
23 affect the meaning hereof.

25 17. WAIVER OF RIGHTS

27 The failure of GRANTOR to insist upon strict performance of any of the terms, covenants, or conditions of
29 this Easement Deed shall not be deemed a waiver of any right or remedy that GRANTOR may have, and
31 shall not be deemed a waiver of the right to require strict performance of all the terms, covenants, and
33 conditions of this Easement Deed thereafter, nor a waiver of any remedy for the subsequent breach or default
35 of any term, covenant, or condition of this Easement Deed.

37 18. NOTICES

39 All notices, documents, correspondence, and communications concerning this Easement Deed shall be
41 addressed as set forth in this clause, or as the parties may hereafter designate by written notice, and shall be
43 sent through the United States mail, duly registered or certified with postage prepaid. Any such mailing shall
45 be deemed served or delivered forty-eight (48) hours after mailing. Each party may change the address for
47 notices by giving the other party at least ten (10) calendar days prior written notice of the new address.

49 Notwithstanding the above, either party may also provide notices, documents, correspondence, or such other
communications to the other by personal delivery or facsimile and, so given, shall be deemed to have been
given upon receipt.

GRANTOR:
County of Orange
OC Waste & Recycling
320 N. Flower Street, Suite 400
Santa Ana, CA 92703
Attn: Director

GRANTEE
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
Attn: _____

1 19. ENTIRE AGREEMENT

3 This Easement Deed contains the entire agreement between the parties with respect to the matters herein and
5 there are no restrictions, promises, warranties or undertakings other than those set forth or referred to herein.

7 20. ATTACHMENTS

9 This Easement Deeds includes the following, which are attached hereto and made a part hereof:

- 11 A. Exhibit A – Legal Description
- 13 B. Exhibit B – Site Plan

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17 //

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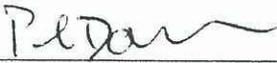
1 IN WITNESS WHEREOF, the parties have executed this Easement Deed the day and year first above
3 written.

5 APPROVED AS TO FORM:

7 City Attorney

CITY

CITY OF HUNTINGTON BEACH

9
11 By: 

By: 

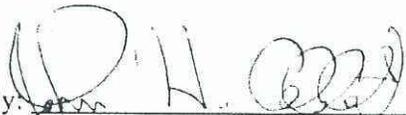
Keith Bohr, Mayor

13 Date: 7/27/09

Date: October 26, 2009

17 APPROVED AS TO FORM

19 Office of County Counsel
Orange County, California

21
23 By: 

Deputy

25
27 Date: 05.18.09

29 RECOMMENDED FOR APPROVAL:

31
33 
35 OC Waste & Recycling

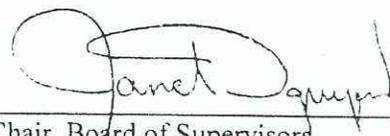
37 SIGNED AND CERTIFIED THAT A COPY OF
39 THIS AGREEMENT HAS BEEN DELIVERED
TO THE CHAIR OF THE BOARD PER G.C.
SEC 25103, RESO 70-1535

41 ATTEST:

COUNTY

COUNTY OF ORANGE

43
45 
47 Darlene J. Bloom
Clerk of the Board of Supervisors
Orange County, California

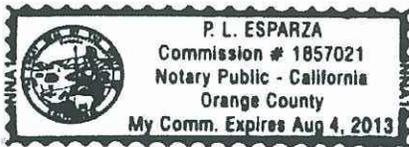

Chair, Board of Supervisors

1 STATE OF CALIFORNIA)
3) SS
5 COUNTY OF ORANGE)

7 **ACKNOWLEDGEMENT**

9 On OCTOBER 26, 2009, before me, P. L. ESPARZA, Notary Public, personally
11 appeared KEITH BOHR, who
13 proved to me on the basis of satisfactory evidence to be the person(s) whose name is/are subscribed to the
15 within instrument and acknowledged to me ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized
17 capacity~~(ies)~~, and that by ~~his/her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~ or the entity upon behalf
19 of which the person~~(s)~~ acted, executed the instrument.

21 I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
23 paragraph is true and correct.
25 WITNESS my hand and official seal.



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49
Signature P. L. Esparza

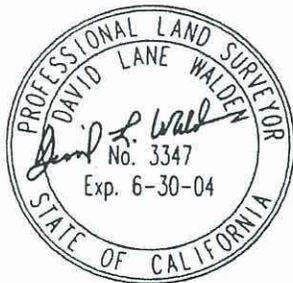
**LEGAL DESCRIPTION
FOR
ACCESS EASEMENT**

BEING A PORTION OF THE NORTH ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 11 WEST, IN THE RANCHO LAS BOLSAS, IN THE CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 51, PAGE 13 OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEING THE NORTH 52 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35, TOGETHER WITH;

THE NORTH 52 FEET OF THE EAST 145 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35.

EXCEPT THEREFROM THAT PORTION LYING WITHIN THE RIGHT OF WAY OF GOTHARD STREET.

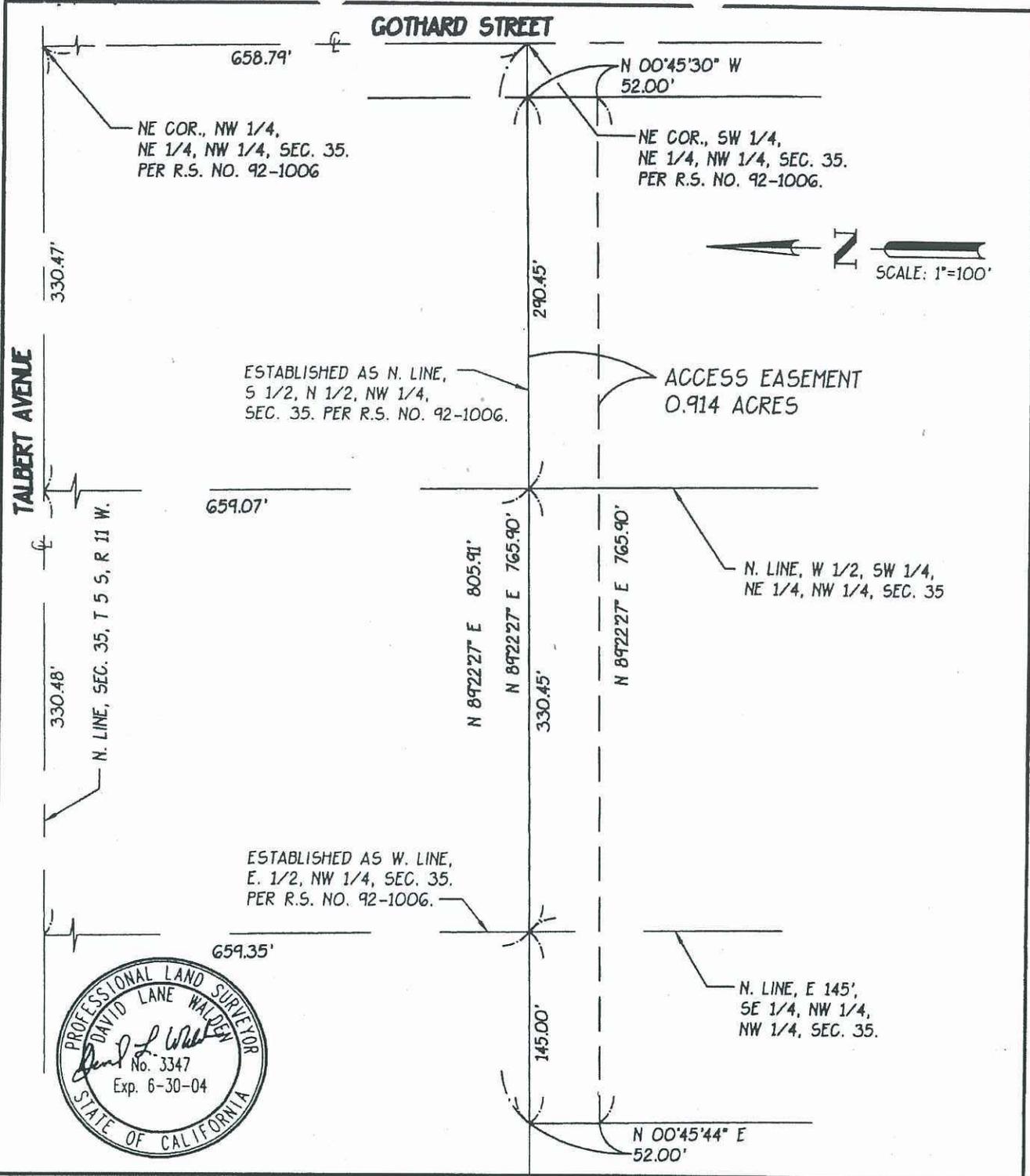


CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
2552 WHITE ROAD, SUITE B • IRVINE, CA 92614-6236
(949) 660-0110 FAX: 660-0418

EXHIBIT "A"
LEGAL DESCRIPTION
FOR
ACCESS EASEMENT

W.O. No. 1306-202-001
Engr. B.J.W. Chk. J.W.

Date 3/18/02
Sheet 1 of 1



WALDEN & ASSOCIATES

CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
 2552 WHITE ROAD, SUITE B • IRVINE, CA 92614-6236
 (949) 660-0110 FAX: 660-0418

EXHIBIT "B"

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION FOR AN ACCESS EASEMENT

W.O. No. 1306-202-001
 Engr. B.J.W. Chk'd J.W.

Date 3-18-02
 Sheet 1 Of 1



CITY OF HUNTINGTON BEACH
2000 Main Street - Economic Development
Huntington Beach, CA 92648

LETTER OF TRANSMITTAL

Date: December 24, 2009

To: Michael B. Giancola, Director, OC Waste and Recycling

We are sending you:

By Mail By Fax (pages inc. this sheet): _____

We are hand delivering:

Prints Plans Copy of letter Change Order

Other: _____

Item #	Original	Description
1	1	Letter re: County Easement off Gothard St.
2		
3		
4		
5		

These are transmitted as checked below:

For approval Approved as submitted Resubmit _____ copies for approval

For your use Approved as noted Submit _____ copies for distribution

As requested Returned for corrections Return _____ corrected prints

For review/comment Other: _____

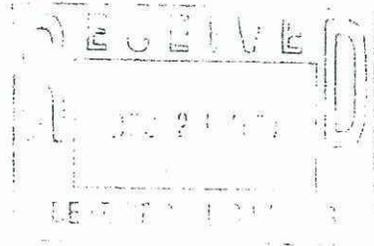
c: File

By: Tina Krause
Tina Krause - Real Estate Manager - (714) 374-1529

G:\TINA\FORMS\TRANSMITTAL FORM.DOC

December 16, 2009

Travis Hopkins, Director
City of Huntington Beach
Public Works Department
2000 Main Street
Huntington Beach, CA 92648



Subject: County Easement to City to Perform Roadway Improvements at Former Gothard Refuse Disposal Station

Dear Mr. Hopkins:

The County has been working proactively to provide the City of Huntington Beach (City) with an access easement for the City to perform roadway improvements at the former Gothard Refuse Disposal Station (Gothard), located at 18131 Gothard Street in the City of Huntington Beach. The City has proposed improvements to an unnamed paved roadway on County property (see attached photograph), located just north of the former Gothard Refuse Disposal Facility perimeter fence. In consultation with City staff, OC Waste & Recycling staff prepared an Easement Deed (attached), which was approved by the City on October 26, 2009.

Since that time, my staff has further examined the City's proposed improvements and determined that Gothard contains approximately 4 acres of coastal sage scrub (CSS) habitat. The CSS on Gothard is located south of the red perimeter fence, immediately south of an internal dirt maintenance roadway. This CSS has the potential to be inhabited by the coastal California gnatcatcher, which is a federally threatened bird species. To minimize any potential impacts to this bird species, and to limit both the City and County's potential liability, as part of OC Waste & Recycling's review and approval of the City's construction and maintenance plans (Easement Deed, Paragraph 2) we will require that (1) the City not remove any CSS located at the Gothard site and (2) that the City's construction work within the easement area occur outside of the gnatcatcher breeding season, which lasts from February 15th through August 31st, since any construction within 300 feet of a nesting California gnatcatcher is considered harassment to a federally protected species.

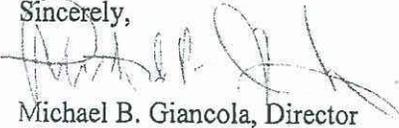
In addition, OC Waste & Recycling maintains one groundwater monitoring well (i.e., groundwater monitoring well #2), which is located immediately north of the Gothard red perimeter fence, directly adjacent to the paved roadway that will be improved by the City (see attached photograph). Maintaining this groundwater monitoring well in its current location is extremely important to OC Waste & Recycling for assessing groundwater quality at Gothard. Therefore, as a further condition to OC Waste & Recycling's approval of the City's construction and maintenance plans, we will require that the City convert the above-ground access to the

groundwater monitoring well to a traffic-rated valve box set, flush with the roadway surface, so that OC Waste & Recycling can continue sampling this groundwater monitoring well at any time without any physical barriers. This type of groundwater monitoring well modification is commonly performed during roadway improvement projects.

OC Waste & Recycling looks forward to our continued cooperation with the City so that the proposed roadway improvements within the County easement area can proceed in an expeditious manner. Prior to going before the Orange County Board of Supervisors to request approval of the Easement Deed, I request that you sign this letter of concurrence. The Easement Deed is currently scheduled to go before the Orange County Board of Supervisors on February 9, 2010.

Please let me know if you have any questions or if I can provide you with any additional information related to this matter. I can be reached at (714) 834-4122 or by email at mike.giancola@ocwr.ocgov.com.

Sincerely,



Michael B. Giancola, Director

Concurrence by City of Huntington Beach:


Travis Hopkins, Director
City of Huntington Beach
Public Works Department

Attachments: (1) Photograph of Paved Roadway
(2) Easement Deed

cc: Kevin Kondru, Deputy Director Central Region
Dylan Wright, Deputy Director Government & Community Relations



3. RESPONSES TO COMMENTS FROM ORANGE COUNTY WASTE & RECYCLING, DATED MAY 30, 2013.

- 3-1 The comment notes that Orange County Waste & Recycling (OCWR) has issued an easement to the City for use of the County-owned private access driveway that allows access to the project site. The comment further references the easement and required conditions associated with improvements of the private access driveway by the City. The comment is noted.
- 3-2 The comment references a concurrence letter between the City and County wherein the City agrees not to remove any coastal sage scrub during improvements to the private access driveway. Work within the easement area is required to occur outside of the gnatcatcher breeding season. In addition, Mitigation Measure BIO-3 of the Draft EIR would require focused surveys for gnatcatcher on the project site prior to vegetation clearing activities. The comment is noted.
- 3-3 The comment notes that as a condition of the City's improvements to the private access driveway, OCWR requires the City convert the above-ground access to the groundwater monitoring well to a traffic-related valve box set, flush with the roadway surface, in order for OCWR to continue sampling this groundwater monitoring well at any time without any physical barriers. The comment is noted.



COUNTY OF ORANGE
HEALTH CARE AGENCY

PUBLIC HEALTH SERVICES
ENVIRONMENTAL HEALTH

MARK A. REFOWITZ
DIRECTOR

DAVID M. SOULELES, MPH
DEPUTY AGENCY DIRECTOR

RICHARD SANCHEZ, REHS, MPH
DIRECTOR
ENVIRONMENTAL HEALTH

MAILING ADDRESS:
1241 E. DYER RD., #120
SANTA ANA, CA 92705-5611

TELEPHONE: (714) 433-6000
FAX: (714) 754-1732
E-MAIL: ehhealth@ochca.com

*Excellence
Integrity
Service*

June 11, 2013

RECEIVED

JUN 10 2013

Dept. of Planning
& Building

Ricky Ramos, Senior Planner
City of Huntington Beach
Planning and Building Department
P. O. Box 190
2000 Main Street, 3rd Floor
Huntington Beach, CA 92648

Subject: Draft Environmental Impact Report No. 01-003 for Remediation and Reuse of the Former Gun Range within Huntington Central Park/ Huntington Beach Landfill, SWIS No. 30-AB-0026

Dear Mr. Ramos:

On May 9, 2013, the Orange County Solid Waste Local Enforcement Agency (LEA) received a copy of the Draft Environment Impact report (DEIR) from the City of Huntington Beach. The DEIR was prepared for the remediation of the former gun range located next to the Huntington Beach Landfill Sports Park. Following remediation, the project will be developed as open space and additional park use as part of the Huntington Beach Sports Park. The LEA has the following comments on this project:

Section 5.1: Hazards and Hazardous Materials:

1. Regarding HAZ-3: 1. For site reuse, any buildings to be located on this site after remediation must comply with Section 21190, Title 27 California Code of Regulations. These structure/building plans must be submitted to the LEA for review and comment prior to start of structure/building construction.
2. Regarding HAZ-3: 2. If a landfill gas control and/or monitoring system is proposed for this site after remediation, the plans must be submitted to the LEA for review and comment prior to start of landfill gas control/monitoring system construction.

4-1

4-2

Ricky Ramos, Senior Planner
June 11, 2013
Page 2

3. After remediation of the Site, the Huntington Beach Landfill Post Closure Maintenance Plan (PCMP) will need to be revised by the City of Huntington Beach to show the additional open space and landfill gas control and monitoring systems to be added to the Huntington Beach Sports Park.

4-3

The LEA is looking forward to working cooperatively with the City on this project. If you have any questions, please contact me at (714) 433 – 6270.

Respectfully Yours,



Kathryn Cross, PG, REHS
Supervising Hazardous Waste Specialist
Solid Waste Local Enforcement Agency
Environmental Health

cc Dianne Ohiosumua, CalRecycle (Riverside)
Virginia Rosales, CalRecycle (Sacramento)
Michael Wochnick, CalRecycle (Sacramento)
John Arnau, OC Waste & Recycling
Ray Aktharshad, RWQCB-SA
David Jones, SCAQMD
Anthony Martinez, Environmental Health



4. RESPONSES TO COMMENTS FROM COUNTY OF ORANGE HEALTH CARE AGENCY, DATED JUNE 11, 2013.

- 4-1 The comment states that any buildings proposed on-site after remediation must comply with Section 21190, Title 27 California Code of Regulations and plans must be submitted to the Orange County Solid Waste Local Enforcement Agency (LEA) for review and comment. The City will comply with all applicable requirements related to hazardous materials remediation and reuse in accordance with the approved Remedial Action Plan (RAP) and existing agency regulations. The comment is noted.
- 4-2 The comment states that if a landfill gas control and/or monitoring system is proposed for the site after remediation, the plans must be submitted to LEA for review and comment. As noted above, the City will comply with all applicable requirements related to hazardous materials remediation and reuse in accordance with the approved RAP and existing agency regulations. The comment is noted.
- 4-3 The comment states that the City will need to revise the Huntington Beach Landfill Post Closure Maintenance Plan (PCMP) after remediation of the site to show the additional open space and landfill gas control and monitoring systems. As noted above, the City will comply with all applicable requirements related to hazardous materials remediation and reuse in accordance with the approved RAP and existing agency regulations. The comment is noted.

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard
 West Sacramento, CA 95691
 (916) 373-3715
 (916) 373-5471 – FAX
 e-mail: ds_nahc@pacbell.net

June 14, 2013

Mr. Ricky Ramos, Senior Planner

City of Huntington Beach

2000 Main Street
 Huntington Beach, CA 92648

RECEIVED

JUN 18 2013

Dept. of Planning
& Building

RE: SCH# 2009041150 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the **Remediation & the Reuse of the Former Gun Range within Huntington Central Park Project**; located in the City of Huntington Beach; Orange County, California.

Dear Mr. Ramos:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine if a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s). The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

This area is known to the NAHC to be very culturally sensitive.

If an additional 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. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measures 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 public disclosure pursuant to California Government Code Section 6254.10.

Contact has been made to the Native American Heritage Commission for a Sacred Lands File Check. A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine

5-1

5-2

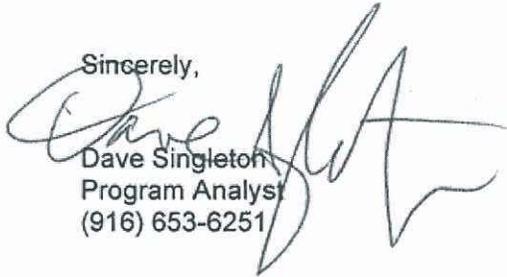
if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

5-2

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. Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

5-3

Sincerely,



Dave Singleton
Program Analyst
(916) 653-6251

CC: State Clearinghouse

Attachment: Native American Contacts list

**Native American Contacts
Orange County
June 14, 2013**

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Nation
Sam Dunlap, Cultural Resources Director
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net
(909) 262-9351 - cell

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

Juaneno Band of Mission Indians Acjachemen Nation
Teresa Romero, Chairwoman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

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

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

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

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

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

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

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2009041150 cEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Remediation and Reuse of the Former Gun Range at Huntington Central Park; City of Huntington Beach; Orange County, California

**Native American Contacts
Orange County
June 14, 2013**

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebroles1@gmail.com
(949) 573-3138

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
gabrielenoindians@yahoo.
(626) 926-4131

Gabrielino-Tongva Tribe
Bernie Acuna, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
(619) 294-6660-work
(310) 428-5690 - cell
(760) 636-0854- FAX
bacuna1@gabrielinotribe.org

Gabrielino-Tongva Tribe
Conrad Acuna,
P.O. Box 180 Gabrielino
Bonsall , CA 92003

760-636-0854 - FAX

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry, Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
kaamalam@gmail.com
949-293-8522

Gabrielino-Tongva Tribe
Linda Candelaria, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003 ,
palmsprings9@yahoo.com
626-676-1184- cell
(760) 636-0854 - FAX

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

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This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2009041150 cEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Remediation and Reuse of the Former Gun Range at Huntington Central Park; City of Huntington Beach; Orange County, California

Notice of Completion & Environmental Document Transmittal

Hand Delivery/Street Address: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916.445.0613
 SCH# 2009041150

Project Title: Remediation and Reuse of the Former Gun Range within Huntington Central Park Project
 Lead Agency: City of Huntington Beach Contact Person: Ricky Ramos
 Street Address: 2000 Main Street Phone: 714.536.5271
 City: Huntington Beach Zip: 92648 County: Orange

Project Location:
 County: Orange City/Nearest Community: City of Huntington Beach
 Cross Streets: Gothard Street and Talbert Avenue Zip Code: 92648 Total Acres: 4.91
 Lat. / Long. 33°41'54.9420"N / -118°00'10.68"W
 APN: N/A Section: 35 Twp: 5S Range: 11W Base: S88M
 Within 2 Miles: State Hwy. #: 39 Waterways: Lake Huntington, Bolsa Bay, Garden Grove-Wintersburg Channel
 Airports: N/A Railways: YES Schools: YES

Document Type: (Check one)

- | | | | |
|--------------------------------------|--|------------------------------------|---|
| <input type="checkbox"/> CEQA | <input checked="" type="checkbox"/> Draft EIR | <input type="checkbox"/> NEPA | <input type="checkbox"/> OTHER |
| <input type="checkbox"/> NOP | <input type="checkbox"/> Supplement/Subsequent EIR | <input type="checkbox"/> NOI | <input type="checkbox"/> Joint Document |
| <input type="checkbox"/> Early Cons | <input type="checkbox"/> (Prior SCH No.) | <input type="checkbox"/> EA | <input type="checkbox"/> Final Document |
| <input type="checkbox"/> Neg Dec | <input type="checkbox"/> Other: | <input type="checkbox"/> Draft EIS | <input type="checkbox"/> Other: CEQA-Plus |
| <input type="checkbox"/> Mit Neg Dec | | <input type="checkbox"/> FONSI | |

Local Action Type: (Check all that apply)

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> General Plan Update | <input type="checkbox"/> Specific Plan | <input type="checkbox"/> Rezone | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> General Plan Amend. | <input type="checkbox"/> Master Plan | <input type="checkbox"/> Prezone | <input type="checkbox"/> Redevelopment |
| <input type="checkbox"/> General Plan Element | <input type="checkbox"/> Planned Unit Dev. | <input type="checkbox"/> Use Permit | <input type="checkbox"/> Coastal Permit |
| <input type="checkbox"/> Community Plan | <input type="checkbox"/> Site Plan | <input type="checkbox"/> Land Division (Subdivision, etc.) | <input checked="" type="checkbox"/> Other: Remediation and recreational reuse |

Development Type: (Check all that apply)

- | | Units/Sq Ft | Acres | Employees | Type |
|--|-------------|-------|-----------|----------|
| <input type="checkbox"/> Residential | | | | |
| <input type="checkbox"/> Office | | | | |
| <input type="checkbox"/> Commercial | | | | |
| <input type="checkbox"/> Industrial | | | | |
| <input type="checkbox"/> Educational | | | | |
| <input checked="" type="checkbox"/> Recreational | 4.91 acres | | | |
| <input type="checkbox"/> Water Facilities | | | | |
| <input type="checkbox"/> Transportation | | | | |
| <input type="checkbox"/> Mining | | | | Mineral: |
| <input type="checkbox"/> Power | | | | Watts |
| <input type="checkbox"/> Waste Treatment | | | | |
| <input type="checkbox"/> Hazardous Waste | | | | |
| <input type="checkbox"/> Other: | | | | |

Project Issues Discussed in Document: (Check all that apply)

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Aesthetics/Visual | <input type="checkbox"/> Fiscal | <input type="checkbox"/> Recreation/Parks | <input checked="" type="checkbox"/> Vegetation |
| <input type="checkbox"/> Agricultural Land | <input type="checkbox"/> Flood Plain/Flooding | <input type="checkbox"/> Schools/Universities | <input type="checkbox"/> Water Quality |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Forest Land/Fire Hazard | <input type="checkbox"/> Septic Systems | <input checked="" type="checkbox"/> Water Supply/Ground Water |
| <input type="checkbox"/> Archaeo/ Historical | <input checked="" type="checkbox"/> Geologic/Seismic | <input type="checkbox"/> Sewer Capacity | <input checked="" type="checkbox"/> Wetland/Riparian |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Minerals | <input checked="" type="checkbox"/> Soil Erosion/Compaction | <input checked="" type="checkbox"/> Wildlife |
| <input type="checkbox"/> Coastal Zone | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Growth Inducement |
| <input type="checkbox"/> Drainage Absorption | <input checked="" type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> Toxic/Hazardous | <input type="checkbox"/> Land Use |
| <input type="checkbox"/> Economic/ Jobs | <input type="checkbox"/> Public Services/Facilities | <input checked="" type="checkbox"/> Traffic/Circulation | <input checked="" type="checkbox"/> Cumulative Effects |
| | | | <input checked="" type="checkbox"/> Other: Greenhouse Gas Emissions |

Present Land Use/Zoning/General Plan Designation:

The project site has a zoning designation of Open Space-Parks and Recreation (OS-PR), and is designated Open Space-Park by the City of Huntington Beach General Plan.

Project Description:

The project site is approximately 4.91 acres in size and is located within Huntington Central Park. It is surrounded by Talbert Avenue to the north, Ellis Avenue to the south, Gothard Street to the east, and Goldenwest Street to the west. The project proposes the remediation of hazardous materials contamination associated with the site's historical use as a gun range facility. Following remediation, the project site would be developed as an open space/park element, as part of Huntington Central Park. On-site improvements may consist of facilities typical of open space/park uses, such as a children's playground/park area, dog park, basketball courts, tennis courts, snack bar/restaurant, picnic area, and associated parking areas, restrooms, irrigation, lighting, and various utilities. Potential future improvements could also include higher intensity uses such as a commercial recreational facility (e.g., skate park, BMX area, or paintball area), or incidental City park maintenance/operations facilities.

State Clearinghouse Contact: (916) 445-0613
 State Review Began: 5-9-2013
 SCH COMPLIANCE: 6-24-2013

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2009041150

Please forward late comments directly to the Lead Agency

AQMD/APCD 33
 (Resources: 5/11)

Project Sent to the following State Agencies

- | | |
|---|---|
| <input checked="" type="checkbox"/> Resources | <input type="checkbox"/> State/Consumer Svcs |
| <input checked="" type="checkbox"/> Boating & Waterways | <input type="checkbox"/> General Services |
| <input checked="" type="checkbox"/> Coastal Comm | <input type="checkbox"/> Cal EPA |
| <input type="checkbox"/> Colorado Rvr Bd | <input type="checkbox"/> ARB: Airport/Energy Projects |
| <input type="checkbox"/> Conservation | <input type="checkbox"/> ARB: Transportation Projects |
| <input checked="" type="checkbox"/> CDFW # 5 | <input type="checkbox"/> ARB: Major Industrial Projects |
| <input type="checkbox"/> Delta Protection Comm | <input type="checkbox"/> SWRCB: Div. Financial Assist. |
| <input type="checkbox"/> Cal Fire | <input type="checkbox"/> SWRCB: Wtr Quality |
| <input checked="" type="checkbox"/> Historic Preservation | <input type="checkbox"/> SWRCB: Wtr Rights |
| <input checked="" type="checkbox"/> Parks & Rec | <input checked="" type="checkbox"/> Reg. WQCB # 9 |
| <input type="checkbox"/> Central Valley Flood Prot. | <input checked="" type="checkbox"/> Toxic Sub Ctrl-CTC |
| <input type="checkbox"/> Bay Cons & Dev Comm. | <input type="checkbox"/> Yth/Adlt Corrections |
| <input checked="" type="checkbox"/> DWR | <input type="checkbox"/> Corrections |
| <input type="checkbox"/> Cal EMA | |
| <input checked="" type="checkbox"/> Resources, Recycling and Recovery | |
| Bus Transp Hous | Independent Comm |
| <input checked="" type="checkbox"/> Aeronautics | <input type="checkbox"/> Energy Commission |
| <input checked="" type="checkbox"/> CHP | <input checked="" type="checkbox"/> NAHC |
| <input checked="" type="checkbox"/> Caltrans # 12 | <input type="checkbox"/> Public Utilities Comm |
| <input type="checkbox"/> Trans Planning | <input type="checkbox"/> State Lands Comm |
| <input type="checkbox"/> Housing & Com Dev | <input type="checkbox"/> Tahoe Rgl Plan Agency |
| <input type="checkbox"/> Food & Agriculture | |
| <input type="checkbox"/> Public Health | |

BY: [Signature]
 MAY 13 2013



5. RESPONSES TO COMMENTS FROM STATE OF CALIFORNIA NATIVE AMERICAN HERITAGE COMMISSION, DATED JUNE 14, 2013.

- 5-1 This comment provides an overview of the Native American Heritage Commission (NAHC), CEQA requirements related to archaeological/historical resources, and information regarding records/sensitivity for Native American resources. The project site was operated by the County of Orange as a landfill until 1962 when it was converted into a gun range facility. From September 1947 through September 1956 the County operated the landfill as a burning dump. After this time, the landfill operated as a cut and cover operation. During that time, it is estimated that more than one million tons of earth and debris materials, including trash, waste, and refuse fill have been placed beneath and immediately surrounding the project site. Various investigations have estimated that the refuse thickness is approximately 35 feet. No significant historical, cultural, archaeological, paleontological, geological resources have been identified within the project site.
- 5-2 The comment provides recommendations in the event an additional archaeological inventory survey is conducted. A list of appropriate Native American contacts for consultation has also been provided. The comment is noted.
- 5-3 The comment recommends provisions for identification and evaluation of accidentally discovered archaeological resources. The proposed project site is located within a highly disturbed area, within an area previously utilized for agricultural, mining, and landfill operations. Given the highly disturbed nature of the project site and extensive subsurface excavation that has occurred on-site through landfill operations, it is not expected that sensitive archaeological resources would be encountered. As noted within the Draft EIR, impacts related to archaeological resources are anticipated to be less than significant.

As noted in Response 11-5, below, though not required based on the analysis, Mitigation Measure CUL-1 would be added within the Final EIR. This measure would require that the City confirm that grading and construction plans stipulate that a qualified professional archaeologist will be contacted in the event that potential archaeological resources are discovered during the remediation, grading, and construction process.

From: Ramos, Ricky <r.amos@surfcity-hb.org>
Sent: Wednesday, June 19, 2013 8:17 AM
To: Ashimine, Alan; Barker, Starla
Cc: Broeren, Mary Beth; Dominguez, David
Subject: FW: Comments on the Draft Environmental Impact Report (DEIR) for the Remediation and Reuse of the Former Gun Range within Huntington Central Park Project, Huntington Beach, CA (SCH# 2009041150)

From: Edwards, Jennifer@Wildlife [<mailto:Jennifer.Edwards@wildlife.ca.gov>]
Sent: Tuesday, June 18, 2013 3:50 PM
To: Ramos, Ricky
Cc: Fluharty, Marilyn@Wildlife
Subject: Comments on the Draft Environmental Impact Report (DEIR) for the Remediation and Reuse of the Former Gun Range within Huntington Central Park Project, Huntington Beach, CA (SCH# 2009041150)

Dear Mr. Ramos:

The Department of Fish and Game (Department) has reviewed the above-referenced Draft Environmental Impact Report (DEIR), received by the Department on May 13, 2013. The comments provided herein are based on information provided in the DEIR and associated documents (including the Initial Study/Checklist and Appendices), our knowledge of sensitive and declining vegetation communities in the County of Orange (County), and regional conservation planning efforts. The Department is a Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines §15386) and a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act ([CESA] Fish and Game Code §2050 *et seq.*), Fish and Game Code section 1600 *et seq.*, and other sections of the Fish and Game Code.

6-1

The Department does not have any additional comments on the project at this time; however, we would welcome the opportunity to review the Final Environmental Impact Report wherein focused vegetation surveys have been conducted when seasonally appropriate.

6-2

We appreciate the opportunity to comment on the DEIR for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. If you should have any questions or comments regarding this letter please contact Jennifer Edwards at (858)467-2717 or via email at Jennifer.Edwards@wildlife.ca.gov.

Sincerely,

Jennifer Edwards
 Environmental Scientist
 California Department of Fish and Wildlife
 3883 Ruffin Road
 San Diego, CA 92123
 (858)467-2717
Jennifer.Edwards@wildlife.ca.gov



6. RESPONSES TO COMMENTS FROM CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, DATED JUNE 18, 2013.

- 6-1 The comment identifies the Department of Fish and Wildlife as a Trustee and Responsible Agency. The comment is noted.
- 6-2 The comment states the Department does not have comments at this time; but would welcome the opportunity to review the results of focused vegetation surveys when seasonally appropriate. As noted in Mitigation Measure BIO-1 of the Draft EIR, the City will conduct special status plant species surveys prior to vegetation clearing activities on-site. In the event special status plants are discovered on-site, avoidance, minimization and/or mitigation would be implemented in accordance with agency requirements.



RECEIVED

Ignacio G. Ochoa, P.E., Interim Director
300 N. Flower Street
Santa Ana, CA 92703

JUN 24 2013

Dept. of Planning
& Building

P.O. Box 4048
Santa Ana, CA 92702-4048
Telephone: (714) 667-8800
Fax: (714) 967-0896

June 18, 2013

NCL-13-020

Mr. Ricky Ramos, Senior Planner
Planning and Building Department
City of Huntington Beach
200 Main Street, 3rd Floor
Huntington Beach, California 92648

Subject: Notice of Availability of Draft Environmental Impact Report No. 01-003 for the Remediation and reuse of the Former Gun Range within Huntington Central Park

Dear Mr. Ramos:

The County of Orange has reviewed the Notice of Availability of Draft Environmental Impact Report No. 01-003 for the remediation and Reuse of the Former Gun Range within Huntington Central Park and offers the following comments.

Environmental Resources:

1. EIR Sections 8.a) on Page 10-5 and 8.c) on Page 10-6 state the project would obtain an NPDES Municipal Permit. The project cannot obtain such permits, as they are only granted to municipalities and special districts. The City of Huntington Beach is already subject to NPDES Municipal Permit RB8-2009-0030 (amended by R8-2010-0062), adopted on May 22, 2009. Please revise accordingly. 7-1

2. EIR Sections 8.k) on Page 10-7 and 8.m) on Page 10-8 state the project would be subject to the Santa Ana Regional Water Quality Control Board's General Construction Permit Program. Such a program no longer exists. Projects that will disturb one or more acres of soil (or disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres), are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity, Order 2009-0009-DWQ, adopted on September 2, 2009, and as most recently amended, from the California State Water Resources Control Board. Please revise as well. 7-2

3. EIR Section 8.c) on Page 10-6 states that "use of BMPs would ensure that all on-site surface water would be directed to existing storm drains". This could be inconsistent with the Model Water Quality Management Plan (Model WQMP) adopted in 2011 (see reference at address: <http://ocwatersheds.com/civicax/filebank/blodsload.aspx?BlobID=21237>), unless such a plan can be determined to retain the 85th percentile storm consistent with the Model WQMP Technical Guidance Document (TGD) at: <http://prg.ocpublicworks.com/DocmgmtInternet/Download.aspx?id=638>. 7-3

HCA/Environmental Health:

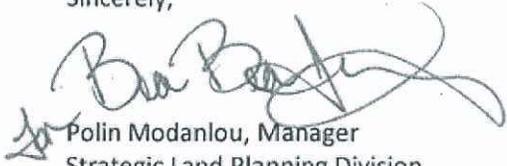
The following comments are being submitted, and are limited to the issues relevant to the interests and mandated responsibilities of the Hazardous Materials Management Section of the Health Care Agency.

The Lead Agency is to ensure all of the following:

1. Continue working with Orange County Health Care Agency (OCHCA) for remediation of the project site. | 7-4
2. All mitigation measures (HAZ-1 through HAZ-3) are to be implemented as outlined (or better) in Section 5.1. | 7-5
3. All used automobile tires in the main firing range and sniper training area are to be properly disposed of and/or managed. | 7-6
4. All wooden telephone poles that are contaminated with lead (bullets) are to be properly managed and disposed of at an appropriate/authorized landfill capable of managing that type of waste. | 7-7

If you have any questions or need clarification please do not hesitate to call me (714) 667-3211.

Sincerely,



Polin Modanlou, Manager
Strategic Land Planning Division
OC Public Works/OC Planning Services
300 North Flower Street
Santa Ana, California 92702-4048
Polin.modanlou@ocpw.ocgov.com

Cc: Chris Crompton, Manager, OC Public Works/OC Water Sheds/Environmental Resources
Christine Lane, Hazardous Waste Specialist III/HCA Environmental Health



7. **RESPONSES TO COMMENTS FROM ORANGE COUNTY PUBLIC WORKS,
DATED JUNE 18, 2013.**

7-1 Draft EIR page 10-5 would be revised in the Final EIR, as follows:

8. HYDROLOGY AND WATER QUALITY. *Would the Project:*

a) *Violate any water quality standards or waste discharge requirements?*

Less Than Significant Impact With Mitigation. Impacts related to water quality would primarily result from erosion, siltation, and sedimentation occurring both during remediation of the gun range and grading for long-term recreation uses. However, the project would be in compliance with all Santa Ana Regional Water Quality Control Board (SARWQCB) requirements and would be subject to obtain a National Pollution Discharge Elimination System (NPDES) Municipal Permit RB8-2009-0030 (amended by R8-2010-0062), adopted on May 22, 2009. Typical urban water quality pollutants usually result from motor vehicle operations, oil and grease residues, fertilizer/pesticide uses, and careless material storage and handling. ~~Use of Best Management Practices (BMPs) would ensure that all on-site surface water would be directed to existing storm drains.~~ The proposed project would be in compliance with the County's 2003 Drainage Area Management Plan (DAMP). The DAMP satisfies the NPDES permit conditions for creating and implementing an Urban Runoff Management Program (URMP). The intent of an URMP is to reduce pollutant discharges to the maximum extent practicable (MEP) for the protection of water quality at receiving water bodies and the support of designated beneficial uses. The DAMP contains guidance on both structural and nonstructural BMPs for meeting these goals. With implementation of the DAMP requirements, the project would be required to prepare a Water Quality Management Plan (WQMP) in accordance with the requirements of the NPDES standards.

In addition, with the incorporation of mitigation provided within the *Huntington Central Park Master Plan EIR* (refer to Measure Water-4 of Appendix 13.1, Attachment No. 5), impacts are expected to be reduced to less than significant levels.

In addition, Draft EIR page 10-6 would be revised in the Final EIR as follows:

c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?*

Less Than Significant Impact ~~With Mitigation.~~ The site has been previously developed and is void of existing drainage courses such as rivers or streams. Although the project may incorporate impermeable surfaces for parking lots, paths, and internal roads, the project is not of the scope or nature to significantly alter the site's absorption rate. The project would be in compliance with all SARWQCB requirements and would be subject to obtain an NPDES Municipal Permit RB8-2009-0030 (amended by R8-2010-0062), adopted on May 22, 2009. ~~Use of BMPs~~



would ensure that all on-site surface water would be directed to existing storm drains, in accordance with standard drainage facility design requirements (see Measure Utilities 8 of Appendix 13.1, Attachment No. 5). Therefore, existing mitigation measures from the *Huntington Central Park Master Plan EIR* are expected to reduce impacts to less than significant levels. The project would not substantially alter the existing drainage pattern of the site or area, and impacts in this regard would be less than significant.

7-2 Draft EIR pages 10-7 and 10-8 would be revised in the Final EIR, as follows:

k) *Potentially impact stormwater runoff from construction activities?*

Less Than Significant Impact. The proposed project may potentially impact stormwater runoff from short-term construction activities. The proposed project would be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity, Order 2009-0009-DWQ, adopted on September 2, 2009, and as most recently amended, from the California State Water Resources Control Board. However, existing Federal and State regulations (including the SARWQCB's General Construction Permit Program) would require the implementation of BMPs during construction to minimize off-site water quality impacts. Upon compliance with existing regulatory requirements, implementation would be less than significant.

m) *Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?*

Less Than Significant Impact. The short-term remediation and construction process would involve the handling and potential transport of hazardous materials. In addition, remedial and construction activities would require the storage, maintenance, and refueling of mechanical equipment on-site. The potential for polluted runoff from the project site during the remediation process would be minimized through adherence to Federal, State, and local standards for the handling of hazardous materials, in addition to construction-related water quality standards imposed by the SARWQCB. Additionally, the proposed project would be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity, Order 2009-0009-DWQ, adopted on September 2, 2009, and as most recently amended, from the California State Water Resources Control Board. Upon compliance with existing regulatory requirements, implementation would be less than significant.

7-3 Refer to Response to Comment 7-1.



- 7-4 The comment requests continued coordination with the OCHCA for remediation of the site. The City will comply with all applicable requirements related to hazardous materials remediation and reuse in accordance with the approved RAP and existing agency regulations. The comment is noted.
- 7-5 The comment states Mitigation Measures HAZ-1 through HAZ-3 should be implemented. The City will implement all mitigation measures identified within the Draft EIR through implementation of the Mitigation Monitoring and Reporting Program required under CEQA. The comment is noted.
- 7-6 The comment states the automobile tires are to be properly disposed of/or managed. As noted above, the City will comply with all applicable requirements related to hazardous materials remediation and reuse in accordance with the approved RAP and existing agency regulations (including the disposal of tires). The comment is noted.
- 7-7 The comment states all wooden telephone poles are to be properly managed and disposed of. As noted above, the City will comply with all applicable requirements related to hazardous materials remediation and reuse in accordance with the approved RAP and existing agency regulations (including the disposal of wooden poles). The comment is noted.



CITY OF HUNTINGTON BEACH

ENVIRONMENTAL BOARD

June 18, 2013

RECEIVED

Mr. Ricky Ramos
 City of Huntington Beach
 Planning and Building Department
 2000 Main St
 Huntington Beach, CA 92648

JUN 25 2013
 Dept. of Planning
 & Building

Subject: EIR for the Remediation\Reuse of the Former Gun Range in Huntington Central Park

Dear Mr. Ramos,

The Environmental Board is supportive of plans to remediate the lead contamination at the former gun range within Huntington Central Park. The Board is also supportive of plans to make this site part of the recreational component of Huntington Central Park. The Board submits the following additional comments:

- In 1998, American Environmental Services, Inc. performed a preliminary investigation at the project site. The study found that 10 of 16 samples were above the California Title 22 Total Threshold Limit Concentration of lead. Hart Crowser, Inc. conducted a remedial investigation in 2001. This study also found high lead concentrations in randomly scattered soil locations and depths. After this project remediation work is completed, a similar investigation must be performed to ensure that the lead contamination has been remediated. The Environmental Board requests a copy of this final report. 8-1
- The EIR recognizes that the project is on a former landfill site. Provisions have been made to handle landfill gas during and after the project. Additionally, any future development on the site must be designed to handle any subsidence from the landfill. Subsidence has previously been a problem at the adjacent Sports Complex. 8-2
- As noted in Section 3.7, the project will require a National Pollutant Discharge Elimination System Permit from the Regional Water Quality Control Board (RWQCB). The project will also follow the RWQCB's waste discharge requirements. All storm water should be contained for treatment on site. We would like to review those plans. 8-3

We appreciate the opportunity to comment on this report.

Sincerely,

Jeff Coffman
 Chairman, Huntington Beach Environmental Board



8. RESPONSES TO COMMENTS FROM HUNTINGTON BEACH ENVIRONMENTAL BOARD, DATED JUNE 18, 2013.

- 8-1 This comment notes that after remediation work is completed investigation must be performed to ensure the lead contamination has been remediated. Remediation activities at the project site will be conducted in accordance with the approved RAP and Human Health Risk Assessment, prepared by Waterstone Environmental Inc., dated January 2011; refer to Draft EIR Mitigation Measure HAZ-1. The Revised Remedial Action Plan and Human Health Risk Assessment requires final sampling be conducted to verify the successful completion of remedial excavation (i.e., cleanup goal has been achieved). The final sampling would be conducted under the direction or supervision of an OCHCA representative. The Huntington Beach Environmental Board also requests a copy of the final sampling report; this request is noted.
- 8-2 The comment notes that any future development must be designed to minimize impacts related to potential landfill gas hazards and handle any subsidence from the landfill. As noted in Draft EIR Mitigation Measure HAZ-3, the City would construct a landfill gas collection system to ensure that hazards do not occur. In addition, Mitigation Measure GEO-1 would require any structures to be supported by a deep foundation system to minimize impacts from any soil instability on-site.
- 8-3 The Huntington Beach Environmental Board would like to review all storm water management plans. The comment is noted.

DEPARTMENT OF TRANSPORTATION

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



RECEIVED

JUN 27 2013

Flex your power!
Be energy efficient!

Dept. of Planning
& Building

File: IGR/CEQA
SCH#: 2009041150
Log #: 2272A
SR-39.

June 24, 2013

Ricky Ramos
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Subject: Remediation and Reuse of the Former Gun Range within Huntington Beach
Central Park Project

Dear Mr. Ramos,

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report (DEIR) for the Southwest Remediation and Reuse of the Former Gun Range within Huntington Beach Central Park Project**. The project involves the remediation of hazardous materials contamination associated with the site's historical use as a gun range facility. Other improvements may include a children's playground/park area, dog park, basketball courts, tennis courts, snack bar/restaurant, picnic area, and associated parking areas, restrooms, irrigation, lighting and various utilities. Potential future improvements could also include higher intensity uses such as a commercial residential facility or incidental City park maintenance/operations facilities. The project site is located within Huntington Central Park, which is between Goldenwest and Gothard Streets, south of Talbert Avenue in the city of Huntington Beach, and the nearest State Route to the project is SR-39.

9-1

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

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

Sincerely,

Christopher Herre, Branch Chief
Local Development/Intergovernmental Review

C: Scott Morgan, Office of Planning and Research



**9. RESPONSES TO COMMENTS FROM STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION, DATED JUNE 24, 2013.**

- 9-1 The Department of Transportation has no comments at this time. The comment notes that in the event of any activity in the Department's right-of-way, an encroachment permit will be required. The comment is noted.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

RECEIVED
JUN 28 2013
Dept. of Planning
& Building

June 25, 2013

Ricky Ramos
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Subject: Remediation and Reuse of the Former Gun Range within Huntington Central Park
SCH#: 2009041150

Dear Ricky Ramos:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 24, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

10-1

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2009041150
Project Title Remediation and Reuse of the Former Gun Range within Huntington Central Park
Lead Agency Huntington Beach, City of

Type EIR Draft EIR

Description The project site is approximately 4.91 acres in size and is located within Huntington Central Park. It is surrounded by Talbert Avenue to the north, Ellis Avenue to the south, Gothard Street to the east, and Goldenwest Street to the west. The project proposes the remediation of hazardous materials contamination associated with the site's historical use as a gun range facility. Following remediation, the project site would be developed as an open space/park element, as part of Huntington Central Park. On-site improvements may consist of facilities typical of open space/park uses, such as a children's playground/park area, dog park, basketball courts, snack bar/restaurant, picnic area, and associated parking areas, restrooms, irrigation, lighting, and various utilities. Potential future improvements could also include higher intensity uses such as a commercial recreational facility (e.g., skate park, BMX area, or paintball area), or incidental City park maintenance/operations facilities.

Lead Agency Contact

Name Ricky Ramos
Agency City of Huntington Beach
Phone (714) 536-5271 **Fax**
email
Address 2000 Main Street
City Huntington Beach **State** CA **Zip** 92648

Project Location

County Orange
City Huntington Beach
Region
Lat / Long 33° 41' 54.94" N / 118° 00' 10.68" W
Cross Streets Gothard Street and Talbert Avenue
Parcel No.
Township 5S **Range** 11W **Section** 35 **Base** SBBM

Proximity to:

Highways Hwy 39
Airports
Railways Yes
Waterways Lake Huntington, Bolsa Bay, Garden Grove-Wintersburg Channel
Schools Yes
Land Use Z: Open Space Parks & Recreation (OS-PR)
 Z: Open Space-Parks and Recreation (OS-PR) and is designated Open Space-Park by the City of Huntington Beach General Plan

Project Issues Air Quality; Biological Resources; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Resources, Recycling and Recovery; California Highway Patrol; Caltrans, District 12; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Document Details Report
State Clearinghouse Data Base

Date Received 05/09/2013 *Start of Review* 05/09/2013 *End of Review* 06/24/2013

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard
West Sacramento, CA 95691
(916) 373-3715
(916) 373-5471 - FAX
e-mail: ds_nahc@pacbell.net

RECEIVED

June 14, 2013

JUN 19 2013

Mr. Ricky Ramos, Senior Planner

City of Huntington Beach

2000 Main Street
Huntington Beach, CA 92648

STATE CLEARING HOUSE

RE: SCH# 2009041150 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the **Remediation & the Reuse of the Former Gun Range within Huntington Central Park Project**; located in the City of Huntington Beach; Orange County, California.

Dear Mr. Ramos:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine if a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s). The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

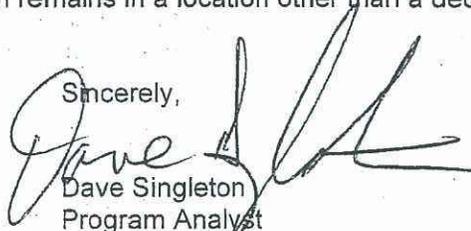
This area is known to the NAHC to be very culturally sensitive.

If an additional 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. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measures 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 public disclosure pursuant to California Government Code Section 6254.10. Contact has been made to the Native American Heritage Commission for a Sacred Lands File Check. A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine

if the proposed active might impinge on any cultural resources. 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. Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,



Dave Singleton
Program Analyst
(916) 653-6251

CC: State Clearinghouse

Attachment: Native American Contacts list

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 600
LOS ANGELES, CA 90013



RECEIVED

May 20, 2013

MAY 20 2013

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

STATE CLEARING HOUSE

Dear Mr. Ramos:

Re: SCH 2009041150 Huntington Beach Reuse of Former Gun Range Project DEIR

The California Public Utilities Commission (CPUC) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings. The CPUC's Rail Crossings Engineering Section (RCES) is in receipt of the *Draft Environmental Impact Report (DEIR)* for the proposed City of Huntington Beach (City) Reuse of Former Gun Rang project from the State Clearinghouse.

According to the DEIR, the project includes redevelopment and reuse of the site as a commercial-recreational facility and other open space/park use element. The Union Pacific Railroad (UPRR) Company Stanton Branch track runs parallel to Gothard Street, at a distance of approximate 400 feet east. The at-grade Talbert Avenue crossing, identified by CPUC Number (No.) 001BAA-521.59 and federal Department of Transportation (DOT) No. 748045B, is present nearby the project site.

Any development adjacent to or near the railroad/light rail right-of-way should be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. As part of the project, RCES recommends at a minimum the following safety improvements at the nearby crossing:

- Install Americans with Disabilities Act (ADA) compliant standard detectable warning tactile strips on all pedestrian approaches to the crossing, either 12 feet away from the track or two (2) feet away from the current CPUC Standard 8/8-A warning devices, whichever is further away from the track; and
- Install two (2) edge-line stripes for each sidewalk passage at each crossing.

The RCES has no opportunity to review the DEIR at this time. Language should be in place so that any traffic impact studies undertaken should also address rail crossing safety analysis and associated proposed mitigation measures. Safety analysis should include queuing on tracks, pedestrian movements, turning movements and sightlines. Additional safety improvement measures may include the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes (e.g., addition or upgrade of crossing warning devices, active and passive signs, and channelization fencing).

In addition, any modification to an existing crossing requires authorization from the CPUC. RCES representatives are available for consultation on any potential safety impacts or concerns on the nearby crossings. The City should also arrange a diagnostic meeting with UPRR and RCES staff to discuss relevant safety issues and requirements for authorization to alter the existing at-grade crossing

Ricky Ramos
May 20, 2013
Page 2 of 2

as necessary. Please continue to keep RCES informed of the project's development and submit the recommended traffic study to RCES for review and approval prior to the approval of the DEIR. More information can be found at: <http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/index.htm>.

If you have any questions, please contact Ken Chiang at 213-576-7076, email at ykc@cpuc.ca.gov, or Kevin Schumacher at (415) 310-9807, email kevin.schumacher@cpuc.ca.gov.

Sincerely,



Ken Chiang, P.E.
Utilities Engineer
Rail Crossings Engineering Section
Safety & Enforcement Division

CC: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044



10. RESPONSES TO COMMENTS FROM STATE OF CALIFORNIA GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE AND PLANNING UNIT, DATED JUNE 25, 2013.

- 10-1 The comment acknowledges the City has complied with the State Clearinghouse review requirements for the draft environmental document, pursuant to CEQA and receipt of comment letters from the State of California Public Utilities Commission and State of California Native American Heritage Commission. These comment letters were received by the City and are included herein as Letters 2 and 5, respectively.

June 24, 2013

City of Huntington Beach
 Planning & Building Department
 ATTN: Ricky Ramos
 2000 Main St
 Huntington Beach, CA 92648

Re: Central Park Gun Range Draft Environmental Impact Report No.01-003

Dear Mr. Ramos,

I am writing to express the following concerns with the Central Park gun range Draft Environmental Impact Report (DEIR) No. 01-003. Prior to reviewing the DEIR, I toured the project site on May 18, 2013 for approximately two hours to assess the existing condition for myself.

Biological Resources

Gnatcatchers

The DEIR notes the presence of coastal California gnatcatchers immediately east of the project site at the former county transfer station, and recommends Mitigation Measure BIO-3 to conduct focused gnatcatcher surveys of the project site prior to vegetation clearing activities. I have personally documented the foraging of the special-status coastal California subspecies of gnatcatchers in habitat similar to that of the gun range parcel (and adjacent west ravine) at Bolsa Chica and Banning Ranch. I therefore concur with BIO-3 due to the potential for gnatcatcher use of the project site.

11-1

Raptors

The DEIR notes the possibility of raptors nesting in the trees on the project site and recommends Mitigation Measure BIO-5 to avoid disturbing active nests. However, there is no discussion of raptor use of the site for foraging purposes, or whether loss of this foraging area is allowed by the Central Park Master Plan.

11-2

The biological survey noted the presence of raptors on the site, and during my brief site visit I observed two raptors (likely Cooper's Hawks) soaring above the site. The survey also noted the presence of rabbits, gophers, and squirrels, all of which provide raptor forage opportunities. During my site visit I noticed there seemed to be a particular abundance of squirrels taking advantage of cavities and burrows in the vicinity of the telephone poles.

11-2

The Master Plan requires that a certain number of acres be reserved for raptor foraging purposes, and that the loss of additional open space outside of that raptor forage area should result in 1:1 enhancement of the remaining foraging areas. The Final EIR should discuss whether the project site is part of the acreage to be preserved as raptor forage, and if it is not, where the forage enhancement will occur to mitigate for its loss due to remediation and subsequent construction of the recreational amenities.

Tree Removal

It is city policy to require 2:1 mitigation for tree removal. The project site will be stripped of all trees and vegetation to facilitate remediation and subsequent re-use. A new mitigation measure should be considered to formalize the tree replacement obligation. Because the existing trees serve as potential raptor nesting sites and roosting sites in association with foraging, tree mitigation should consider planting half of the required replacement trees in areas of the park reserved as raptor forage under the Master Plan. This would provide for no net loss of raptor trees as a result of the project.

11-3

Ravine Re-vegetation after Remediation

Project planner Ricky Ramos states in an email reply to me dated June 5, 2013, that "The City has no immediate plans to fill and develop the ravine on the west side of the gun range". However, the remediation process will require removing the existing vegetation in the ravine, and since the ravine is not going to be filled, some replacement vegetation will need to be planted in order to prevent runoff erosion. A new Mitigation Measure should be considered to specify a vegetation palette for replanting the ravine after remediation. The palette should be compatible with and similar to existing vegetation communities bordering the site.

11-4

Cultural Resources

During my site visit I noticed what appeared to be shell midden on the ground surface near the southern boundary of the site. The DEIR discusses the prior landfill uses of the site and concludes that no archaeological resources are present to be impacted. But the presence of shell midden suggests otherwise. The city should consider standard Mitigation Measure language discussing the steps that must be taken in the event that significant archaeological resources are encountered during remediation and construction activities.

11-5

Skate Park Activities

The skate park option being contemplated for the project site is similar in size to the previously entitled Vans Skate Park near Bella Terra. The noise and traffic analyses in this DEIR seem to presume that the proposed skate park use at the former gun range site will be low-intensity recreational free-skating. If there will be recurring high-intensity competitions similar to those planned at Vans Skate Park, such peak uses do not appear to be accounted for in this DEIR.

11-6

Eviction of Homeless Transients

During my site visit I observed that many of the gun range structures showed signs of current habitation by homeless transient persons as evidenced by a large amount of trash and personal possessions scattered around the site. Long-term homeless encampments generate negative environmental impacts through the generation of trash and a lack of proper human waste disposal. I have personally witnessed these impacts too many times from such encampments at Bolsa Chica.

11-7

Eviction of the resident transients prior to remediation will likely displace transient-related environmental impacts to other nearby locations including elsewhere in Central Park or to Bolsa Chica or other undeveloped areas. It may help to lessen the chances of impact to off-site locations if the initial eviction notices list contact information for local social services providers, and on eviction day, social service providers are present to assist with referrals.

Sincerely,

Mark D. Bixby

Mark D. Bixby (HB Planning Commission Chairperson)
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
phone: 714-625-0876
email: mark@bixby.org



11. RESPONSES TO COMMENTS FROM MARK D. BIXBY, DATED JUNE 24, 2013.

11-1 The comment states concurrence with Draft EIR Mitigation Measure BIO-3. The comment is noted.

11-2 Upon implementation of Mitigation Measure BIO-5, impacts to nesting birds and raptors would be less than significant. Remediation and reuse of the gun range facility would result in a minor loss of area available in the project vicinity for raptor foraging. As noted within the *Biological Constraints Survey* conducted for the project (provided as Draft EIR [Appendix 13.7](#)), the majority of the project site is occupied by developed/ornamental vegetation and these areas do not represent a sensitive biological habitat. The existing project site is a dilapidated gun range facility and its remediation and reuse would not be expected to appreciably affect the overall population of these species given the amount of suitable foraging habitat in the region and other areas similar in nature to the existing gun range (e.g., Sully Miller Lake and Huntington Central Park). Impacts to raptors would be less significant.

The *Final EIR for Master Plan of Recreational Uses for Central Park* Mitigation Measure Biological Resources 4 identifies mitigation for raptor foraging habitat due to impacts to non-native grasslands. This measure recommends that areas identified as “ruderal/bare” are enhanced to offset these impacts. The *Final EIR for Master Plan of Recreational Uses for Central Park* identifies the gun range project site as “developed”. Thus, this mitigation measure does not apply to the project site nor was the gun range site identified as a site where mitigation for raptor foraging habitat would occur.

11-3 The City requires that all parcels developed prior to 1973 implement a 2:1 replacement ratio for all mature/significant trees affected by a proposed project.¹ A mature/significant tree generally includes trees with a minimum 10-inch diameter trunk at approximately four feet in height from the adjoining ground. Impacted trees and associated replacement trees would be identified through the City’s standard landscape plan review and approval process to ensure consistency with existing City tree replacement policies.

As such, Draft EIR page 5.6-12 would be revised in the Final EIR, as follows:

Mitigation Measures:

BIO-5 To the extent feasible, the City of Huntington Beach shall conduct all vegetation removal activities outside of the nesting season (typically February 15 to August 15) to avoid potential impacts to nesting birds. However, if initial vegetation removal occurs during the nesting season, all suitable habitat shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist prior to commencement of clearing. If any active nests are detected, a buffer of at least 100 feet (300 feet for raptors) shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the Project Biologist.

BIO-6 Prior to landscape plan approval for the proposed project, the Huntington Beach Department of Planning and Building Director or his designee shall verify that all

¹ City of Huntington Beach, *Tree Replacement for CEQA Compliance Policy Memorandum*, October 1, 2005.



mature/significant trees affected by the project are identified on project landscape plans. Any tree meeting the City's criteria for a mature/significant tree (generally including trees with a minimum 10-inch diameter trunk at approximately four feet in height from the adjoining ground) shall be replaced at a 2:1 ratio. Replacement tree locations shall also be denoted on project landscape plans.

Level of Significance: Less Than Significant With Mitigation Incorporated.

11-4 Draft EIR Mitigation Measure BIO-2 requires verification that exotic (invasive) species are not included in the plant palette for the site. Further, through the development review process, landscape plans for the site would be reviewed to ensure that proposed landscaping within the project site, including the ravine, are compatible with and similar to existing vegetation within the area.

11-5 The proposed project site is located within a highly disturbed area, within an area previously utilized for agricultural, mining, and landfill operations. Development on the site first occurred in the 1950s, when the County of Orange began utilizing the site as a portion of the 51-acre Huntington Beach Landfill. The Huntington Beach Landfill was divided into two primary areas: 1) a 33-acre mixed municipal refuse area; and 2) an 18-acre construction demolition waste area.² The proposed project site exists over the mixed municipal refuse area.³ During the municipal landfill's operation, it is estimated that approximately 1.1 million cubic yards of waste were placed beneath and immediately surrounding the project site.⁴ The County of Orange operated the landfill as a burning dump from September 1947 to September 1956, after which it operated as a cut and cover facility.⁵ Immediately south of the project site is Sully Miller Lake, a former mining pit that has filled with water since its closure.

Given the highly disturbed nature of the project site and extensive subsurface excavation that has occurred on-site through landfill operations, it is not expected that sensitive archaeological resources would be encountered. Based on the *Geotechnical and Geologic Report* prepared as part of the Draft EIR, even at the southerly boundary of the project site, refuse in the form of organics and pieces of wood were noted at depths of eight feet. As noted within the Draft EIR, impacts related to archaeological resources are anticipated to be less than significant.

Though not required based on the analysis, the following precautionary mitigation measure is being added in the event that archaeological resources are encountered during remediation, grading and construction activities. Thus, Draft EIR page 10-3 would be revised in the Final EIR, as follows:

² *Geotechnical Report, Central Park Sports Complex*, AMEC Earth & Environmental, November 28, 2000.

³ *Central Park Master EIR Geology Conditions*, Figure 8, CH2M HILL, April 24, 1998.

⁴ *Geotechnical Report, Central Park Sports Complex*, AMEC Earth & Environmental, November 28, 2000.

⁵ *Revised Remedial Action Plan and Human Health Risk Assessment – Former Gun Range Site*, Waterstone Environmental, Inc., January 2011.



- b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?*

No Impact. As stated above, the project site is occupied by an abandoned gun range facility, located over a former landfill. No archaeological resources are anticipated to occur on-site, and no impacts would occur in this regard. Though no impacts are expected to occur due to the disturbed nature of the site, the following precautionary mitigation measure is being added in the event that unknown archaeological resources are encountered during remediation, grading and construction activities.

CUL-1 Prior to the issuance of a grading permit and building permit, the Huntington Beach Department of Planning and Building Director or his designee will confirm that the grading and construction plans stipulate that a qualified professional archaeologist will be contacted in the event that potential archaeological resources are discovered during the remediation, grading, and construction activities. Work will stop until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures to the approval of the City's Planning and Building Department. Treatment measures typically include development of avoidance strategies or mitigation of impacts through data recovery programs such as excavation or detailed documentation. If during cultural resources monitoring the qualified archaeologist determines that the site area of work is unlikely to contain significant cultural materials, the qualified archaeologist can specify that monitoring be reduced or eliminated.

- 11-6 In the event the City implements a skate park on-site as part of the long-term recreational reuse of the gun range facility, the skate park would not host high-intensity events similar to those conducted at the Vans Skate Park. The intent would be for the skate park to serve as a “drop-in” facility for local residents. Any organized activities would be limited to City recreation classes or camps that would be limited in size and nature.
- 11-7 The comment recommends providing resident transients at the project site contact information for local service providers and that local service providers are on-site to assist with referrals. The comment is noted.



3.0 Errata



3.0 ERRATA

Changes to the Draft Environmental Impact Report (Draft EIR) are noted below. A double-underline indicates additions to the text; strikeout indicates deletions to the text. Changes have been analyzed and responded to in Section 2.0, *Response to Comments*, of the Final EIR. The changes to the Draft EIR do not affect the overall conclusions of the environmental document. Changes are listed by page and, where appropriate, by paragraph.

NOTE TO REVIEWER:

These errata have been prepared in response to comments received on the Draft EIR or to address minor City staff-initiated editorial corrections to the Draft EIR, which was publicly-circulated from May 9, 2013 through June 24, 2013. These corrections are not considered to result in any new or greater impacts than those identified in the Draft EIR. Any changes referenced to mitigation measures contained in the Draft EIR text also apply to Section 2.0, *Executive Summary*, and Section 8.0, *Inventory of Mitigation Measures*, of the Draft EIR (as applicable). All modifications to mitigation measures have been reflected in Section 4.0, *Mitigation Monitoring and Reporting Program*, of the Final EIR.

SECTION 5.2, GEOLOGY AND SOILS

GEO-1 Prior to issuance of a building permit, the ~~Chief Building Official~~City shall verify that any new structures are supported by a deep foundation system, such as driven piles or caissons. The foundation system shall be designated to withstand negative dragdown due to existing fill and to mitigate for liquefaction and lateral spreading. These foundation requirements shall be denoted on project plans for review and approval by the ~~Chief Building Official~~City.

SECTION 5.6, BIOLOGICAL RESOURCES

Page 5.6-12, Migratory Birds

Mitigation Measures:

BIO-5 To the extent feasible, the City of Huntington Beach shall conduct all vegetation removal activities outside of the nesting season (typically February 15 to August 15) to avoid potential impacts to nesting birds. However, if initial vegetation removal occurs during the nesting season, all suitable habitat shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist prior to commencement of clearing. If any active nests are detected, a buffer of at least 100 feet (300 feet for raptors) shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the Project Biologist.

BIO-6 Prior to landscape plan approval for the proposed project, the Huntington Beach Department of Planning and Building Director or his designee shall verify that all mature/significant trees affected by the project are identified on project landscape plans. Any tree meeting the City's criteria for a mature/significant tree (generally including trees



with a minimum 10-inch diameter trunk at approximately four feet in height from the adjoining ground) shall be replaced at a 2:1 ratio. Replacement tree locations shall also be denoted on project landscape plans.

Level of Significance: Less Than Significant With Mitigation Incorporated.

SECTION 5.7, UTILITIES

Page 5.7-11, Stormwater Facilities

STORMWATER FACILITIES

- **THE PROJECT WOULD NOT RESULT IN NEW STORMWATER DRAINAGE FACILITIES THAT WOULD RESULT IN SIGNIFICANT ENVIRONMENTAL EFFECTS.**

Impact Analysis: Long-term reuse proposed for the project would include a recreational use which could include uses such as a children's playground/park area, dog park, basketball courts, and tennis courts. However, in lieu of the outdoor basketball and tennis courts, the City may implement a skate park facility. As a result, portions of the project site would be impermeable with a potential to result in an increased amount of runoff in comparison to existing conditions. The proposed project would implement on-site drainage facilities to accommodate stormwater runoff and address potential pollutants in accordance with the current Waste Discharge Requirements Permit for the County of Orange (MS4 Permit). The project would be in compliance with all SARWQCB requirements and the City would submit a Water Quality Management Plan (WQMP) to the City for review and approval. Use of BMPs would ensure that all on-site surface water would be directed to existing storm drains at the adjacent Huntington Central Park Sports Complex, in accordance with standard drainage facility design requirements. Therefore, the project would not result in new stormwater drainage facilities that would result in significant environmental effects.

SECTION 10.0, EFFECTS FOUND NOT TO BE SIGNIFICANT

Page 10-3, Cultural Resources

- b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?*

No Impact. As stated above, the project site is occupied by an abandoned gun range facility, located over a former landfill. No archaeological resources are anticipated to occur on-site, and no impacts would occur in this regard. Though no impacts are expected to occur due to the disturbed nature of the site, the following precautionary mitigation measure is being added in the event that unknown archaeological resources are encountered during remediation, grading and construction activities.

CUL-1 Prior to the issuance of a grading permit and building permit, the Huntington Beach Department of Planning and Building Director or his designee will confirm that the grading and construction plans stipulate that a qualified professional archaeologist will be contacted in the event that potential archaeological resources are discovered during



the remediation, grading, and construction activities. Work will stop until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures to the approval of the City's Planning and Building Department. Treatment measures typically include development of avoidance strategies or mitigation of impacts through data recovery programs such as excavation or detailed documentation. If during cultural resources monitoring the qualified archaeologist determines that the site area of work is unlikely to contain significant cultural materials, the qualified archaeologist can specify that monitoring be reduced or eliminated.

Page 10-5, Hydrology and Water Quality

8. HYDROLOGY AND WATER QUALITY. *Would the Project:*

- a) *Violate any water quality standards or waste discharge requirements?*

Less Than Significant Impact With Mitigation. Impacts related to water quality would primarily result from erosion, siltation, and sedimentation occurring both during remediation of the gun range and grading for long-term recreation uses. However, the project would be in compliance with all Santa Ana Regional Water Quality Control Board (SARWQCB) requirements and would be subject to obtain a National Pollution Discharge Elimination System (NPDES) Municipal Permit RB8-2009-0030 (amended by R8-2010-0062), adopted on May 22, 2009. Typical urban water quality pollutants usually result from motor vehicle operations, oil and grease residues, fertilizer/pesticide uses, and careless material storage and handling. ~~Use of Best Management Practices (BMPs) would ensure that all on-site surface water would be directed to existing storm drains.~~ The proposed project would be in compliance with the County's 2003 Drainage Area Management Plan (DAMP). The DAMP satisfies the NPDES permit conditions for creating and implementing an Urban Runoff Management Program (URMP). The intent of an URMP is to reduce pollutant discharges to the maximum extent practicable (MEP) for the protection of water quality at receiving water bodies and the support of designated beneficial uses. The DAMP contains guidance on both structural and nonstructural BMPs for meeting these goals. With implementation of the DAMP requirements, the project would be required to prepare a Water Quality Management Plan (WQMP) in accordance with the requirements of the NPDES standards.

In addition, with the incorporation of mitigation provided within the *Huntington Central Park Master Plan EIR* (refer to Measure Water-4 of Appendix 13.1, Attachment No. 5), impacts are expected to be reduced to less than significant levels.

Page 10-6, Hydrology and Water Quality

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?*

Less Than Significant Impact With Mitigation. The site has been previously developed and is void of existing drainage courses such as rivers or streams. Although the project may incorporate impermeable surfaces for parking lots, paths, and internal roads, the project is not of the scope or nature to significantly alter the site's absorption rate. The project would be in



compliance with all SARWQCB requirements and would ~~be subject to obtain an~~ NPDES Municipal Permit RB8-2009-0030 (amended by R8-2010-0062), adopted on May 22, 2009. Use of BMPs would ensure that all on-site surface water would be directed to existing storm drains, in accordance with standard drainage facility design requirements (see Measure Utilities 8 of Appendix 13.1, Attachment No. 5). Therefore, existing mitigation measures from the *Huntington Central Park Master Plan EIR* are expected to reduce impacts to less than significant levels. The project would not substantially alter the existing drainage pattern of the site or area, and impacts in this regard would be less than significant.

Pages 10-7 and 10-8, Hydrology and Water Quality

- k) *Potentially impact stormwater runoff from construction activities?*

Less Than Significant Impact. The proposed project may potentially impact stormwater runoff from short-term construction activities. The proposed project would be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity, Order 2009-0009-DWQ, adopted on September 2, 2009, and as most recently amended, from the California State Water Resources Control Board. However, existing Federal and State regulations (including the SARWQCB's General Construction Permit Program) would require the implementation of BMPs during construction to minimize off-site water quality impacts. Upon compliance with existing regulatory requirements, implementation would be less than significant.

- m) *Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?*

Less Than Significant Impact. The short-term remediation and construction process would involve the handling and potential transport of hazardous materials. In addition, remedial and construction activities would require the storage, maintenance, and refueling of mechanical equipment on-site. The potential for polluted runoff from the project site during the remediation process would be minimized through adherence to Federal, State, and local standards for the handling of hazardous materials, ~~in addition to construction-related water quality standards imposed by the SARWQCB.~~ Additionally, the proposed project would be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity, Order 2009-0009-DWQ, adopted on September 2, 2009, and as most recently amended, from the California State Water Resources Control Board. Upon compliance with existing regulatory requirements, implementation would be less than significant.



4.0 Mitigation Monitoring and Reporting Program



4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 1, *Mitigation Monitoring and Reporting Checklist*, has been prepared for the Remediation and Reuse of the Former Gun Range Within Huntington Central Park Project (the project). This Mitigation Monitoring and Reporting Checklist is intended to provide verification that all applicable mitigation measures relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the Remediation and Reuse of the Former Gun Range Within Huntington Central Park Project file.

This Mitigation Monitoring and Reporting Program delineates responsibilities for monitoring the project, but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Checklist (Table 1). If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Initial Study and EIR, which provide general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.



- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the Mitigation Monitoring and Reporting Program, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. No change will be permitted unless the Mitigation Monitoring and Reporting Program continues to satisfy the requirements of Public Resources Code Section 21081.6.



Table 1
MITIGATION MONITORING AND REPORTING CHECKLIST

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
HAZARDS AND HAZARDOUS MATERIALS							
HAZ-1	Prior to issuance of any grading permit for the project, the City of Huntington Beach shall ensure that the Remediation Contractor has incorporated into its work plan all remedial recommendations associated with Alternative 2 within the <i>Revised Remedial Action Plan and Human Health Risk Assessment</i> , prepared by Waterstone Environmental Inc., dated January 2011. The <i>Revised Remedial Action Plan and Human Health Risk Assessment</i> is included as <u>Appendix 13.3</u> of the EIR and is incorporated by reference into this mitigation measure.	Remediation Contractor	Prior to issuance of Grading Permit	City Public Works Department/ City Engineer	Prior to Issuance of Grading Permit/ During Remediation		
HAZ-2	The Remediation Contractor shall prepare a site-specific Health and Safety Plan (HASP) pursuant to the provisions of the <i>Revised Remedial Action Plan and Human Health Risk Assessment</i> (prepared by Waterstone Environmental, Inc., dated January 2011) Section 7.11, <i>Health and Safety Plan</i> , for all remediation work activities. The purpose of the HASP is to describe the controls and procedures that shall be implemented to minimize incidents, injury, and health risks associated with the excavation activities to be conducted at the project site. The following shall be addressed in the HASP:	Remediation Contractor	Prior to issuance of Grading Permit	City Public Works Department/ City Engineer	Prior to Issuance of Grading Permit/ During Remediation		

EIR for the Remediation and Reuse of the
Former Gun Range Within Huntington Central Park



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
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	<ul style="list-style-type: none"> The HASP shall incorporate the requirements specified by Occupational Safety and Health Administration (OSHA) Hazardous Waste Operations Standards (WPA 29 CFR 1910.120 and CCR Title 8). Field personnel shall review the HASP prior to commencing field work. Prior to initiation of field activities each day, a tailgate safety meeting shall be conducted to identify potential physical and chemical hazards and outline measures to be taken in event of an emergency. All on-site personnel shall be required to document their attendance at the tailgate safety meeting by signing a form before work each day. During field activities, appropriate personal protective equipment shall be worn by all personnel within designated exclusion zones. The amount of dust present in the operator breathing zone shall be obtained in the field on a regular basis using a dust meter or equivalent as required by the HASP. 						

EIR for the Remediation and Reuse of the
Former Gun Range Within Huntington Central Park



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	The HASP shall be reviewed and approved by the City Engineer prior to the issuance of a grading permit.						
HAZ-3	Prior to the issuance of building permits for reuse of the project site, the City shall construct a landfill gas collection and control system (GCCS) that conveys landfill gas to the existing GCCS at the Huntington Central Sports Complex. In consultation with the SCAQMD, the City shall also implement an LFG monitoring program, which shall require that any proposed structures on-site would be monitored on at least a quarterly basis, consistent with SCAQMD Rule 1150.1. The proposed GCCS shall be coordinated with the SCAQMD, OCHCA, SARWQCB, and City of Huntington Beach Fire Department. The GCCS shall incorporate the recommendations included within the <i>Landfill Gas Analysis for Former Gun Range Within Central Park</i> prepared by SCS Engineers (dated February 4, 2009), and any additional recommendations identified by the City Engineer. The <i>Landfill Gas Analysis for Former Gun Range Within Central Park</i> is included as Appendix 13.10 of the EIR and is incorporated by reference into this Mitigation Measure.	City Public Works Department/ City Engineer	Prior to Issuance of Building Permit	City Public Works Department/ City Engineer	Prior to Issuance of Building Permit/ During Construction		
GEOLOGY AND SOILS							
GEO-1	Prior to issuance of a building permit, the City shall verify that any new structures are supported by a deep foundation	Project Engineer	Prior to Issuance of a Building Permit	City Planning and Building Department	Prior to Issuance of a Building		

EIR for the Remediation and Reuse of the
Former Gun Range Within Huntington Central Park



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
	system, such as driven piles or caissons. The foundation system shall be designated to withstand negative dragdown due to existing fill and to mitigate for liquefaction and lateral spreading. These foundation requirements shall be denoted on project plans for review and approval by the City.				Permit/ Review of Project Plans		
AIR QUALITY							
AQ-1	<p>Prior to issuance of any Grading Permit, the City Engineer shall confirm that the Grading Plan and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:</p> <ul style="list-style-type: none"> • All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the project site to prevent excessive amounts of dust; • Pave or apply water every three hours during daily construction 	Construction/ Remediation Contractor	Prior to issuance of Grading Permit	City Public Works Department/ City Engineer	Prior to Issuance of Grading Permit/ During Construction and Remediation		

EIR for the Remediation and Reuse of the
Former Gun Range Within Huntington Central Park



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
	<p>activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during site disturbance;</p> <ul style="list-style-type: none"> • Any on-site stockpiles of debris, dirt, or other dusty material shall be enclosed, covered, or watered twice daily, or non-toxic soil binders shall be applied; • All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour; • Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area; • Track-out devices such as gravel bed track-out aprons (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) shall be installed to reduce mud/dirt trackout from unpaved truck exit routes. Alternatively a wheel washer shall be used at truck exit routes; • On-site vehicle speed shall be limited to 15 miles per hour; • All material transported off-site shall be either sufficiently 						

EIR for the Remediation and Reuse of the
Former Gun Range Within Huntington Central Park



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
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	watered or securely covered to prevent excessive amounts of dust prior to departing the job site; and <ul style="list-style-type: none"> Reroute construction trucks away from congested streets or sensitive receptor areas. 						
AQ-2	All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (<i>Spilling Loads on Highways</i>), with special attention to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the Applicant shall demonstrate to the City of Huntington Beach City Engineer how the project operations subject to that specification during hauling activities shall comply with the provisions set forth in Sections 23114(b)(F), (e)(4).	Construction/ Remediation Contractor	Prior to Issuance of a Grading Permit	City Public Works Department/ City Engineer	Prior to Issuance of a Grading Permit; During Construction and Remediation		
AQ-3	Prior to issuance of any Grading Permit, the City Engineer shall confirm that the Grading Plan and specifications stipulate that, in compliance with SCAQMD Rule 403, O ₃ precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City. Maintenance records shall be provided to the City by the construction contractor on a monthly	Construction/ Remediation Contractor	Prior to Issuance of Grading Permit	City Public Works Department/ City Engineer	Prior to Issuance of Grading Permit; During Construction and Remediation		

EIR for the Remediation and Reuse of the
Former Gun Range Within Huntington Central Park



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
	basis. The City shall be responsible for ensuring that contractors comply with this measure during construction. Contract specifications shall be included in the project construction documents which shall be reviewed and approved by the City prior to issuance of a grading permit.						
AQ-4	<p>The following measures shall be implemented during remediation to substantially reduce NO_x related emissions. They shall be included in the Grading Plan and contract specifications. Contract specification language shall be reviewed by the City prior to issuance of a grading permit.</p> <ul style="list-style-type: none"> Off-road diesel equipment operators shall be required to shut down their engines rather than idle for more than five minutes, and shall ensure that all off-road equipment is compliant with the CARB in-use off-road diesel vehicle regulation and SCAQMD Rule 2449. Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that 	Construction/ Remediation Contractor	Prior to Finalization of Grading Plans and Contract Specifications/ During Remediation and Construction	City Public Works Department/ City Engineer	Prior to Finalization of Grading Plans and Contract Specifications /During Remediation and Construction		

EIR for the Remediation and Reuse of the
Former Gun Range Within Huntington Central Park



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
	<p>meet EPA 2007 model year NO_x emissions requirements</p> <ul style="list-style-type: none"> The following note shall be included on all grading plans: During remediation, all internal combustion engines/ construction, equipment operating on the project site shall meet EPA-Certified Tier 3 emissions standards, or higher according to the following: <ul style="list-style-type: none"> January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. Post-January 1, 2015: All off-road diesel-powered construction equipment 						

EIR for the Remediation and Reuse of the
Former Gun Range Within Huntington Central Park



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
	<p>greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.</p> <ul style="list-style-type: none"> - A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment. • The remediation and construction contractors shall maintain construction equipment engines by keeping them tuned and regularly serviced to minimize exhaust emissions. • Use low sulfur fuel for stationary construction equipment. This is 						

EIR for the Remediation and Reuse of the
Former Gun Range Within Huntington Central Park



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
	<p>required by SCAQMD Rules 431.1 and 431.2.</p> <ul style="list-style-type: none"> Utilize existing power sources (i.e., power poles) when available. This measure would minimize the use of higher polluting gas or diesel generators. Configure construction parking to minimize traffic interference. Minimize obstruction of through-traffic lanes and provide temporary traffic controls such as a flag person during all phases of construction when needed to maintain smooth traffic flow. Construction shall be planned so that lane closures on existing streets are kept to a minimum. Schedule construction operations affecting traffic for off-peak hours to the best extent when possible. Develop a traffic plan to minimize traffic flow interference from construction activities (the plan may include advance public notice of routing, use of public transportation and satellite parking areas with a shuttle service.) Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable 						

EIR for the Remediation and Reuse of the
Former Gun Range Within Huntington Central Park



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
	equipment, shall be turned off when not in use for more than five minutes.						
AQ-5	<p>The following SCAQMD recommended measures shall be implemented for hauling activities related to soil remediation and demolition to substantially reduce NO_x related emissions. They shall be included in the Grading Plan and contract specifications. Contract specification language shall be reviewed by the City prior to issuance of a grading permit.</p> <ul style="list-style-type: none"> All heavy duty trucks utilized for hauling shall meet or exceed EPA 2007 engine emission standards. Beginning in 2015, all heavy duty trucks utilized for hauling shall meet or exceed EPA 2010 engine emission standards. If the above clean truck requirements are infeasible, a phase-in schedule shall be put forth that shall feasibly achieve emission reductions as soon as possible. The contractor shall maintain a log of all hauling trucks entering the project site to ensure that on average, the daily truck fleet meets the selected EPA emission standards. This log shall be 	Construction/ Remediation Contractor	Prior to Finalization of Grading Plans and Contract Specifications/ During Construction and Remediation	City Public Works Department/ City Engineer	Prior to Finalization of Grading Plans and Contract Specifications /During Construction and Remediation		

EIR for the Remediation and Reuse of the
Former Gun Range Within Huntington Central Park



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
	available for inspection by City staff at any time. <ul style="list-style-type: none"> Prohibit all vehicles and trucks from idling in excess of five minutes, both on- and off-site. 						
BIOLOGICAL RESOURCES							
BIO-1	Prior to vegetation clearing activities on-site, the City of Huntington Beach shall conduct focused surveys for special status plant species during the appropriate blooming period (generally spring/summer) to determine the presence or absence of special status plant species. If a special status plant species is observed, its rarity and abundance shall be evaluated by the Project Biologist. If the finding is considered significant, then additional avoidance, minimization, or mitigation measures may be required as determined appropriate by the Project Biologist.	City of Huntington Beach/Project Biologist	Prior to Vegetation Clearing Activities	City Planning and Building Department	Prior to Vegetation Clearing Activities		
BIO-2	Prior to the approval of landscape plans for the proposed project, the project Landscape Architect shall certify to the City of Huntington Beach Planning and Building Department that exotic plant species (any species listed in the California Invasive Plant Council [Cal-IPC] Invasive Plant Inventory or the Federal Noxious Weed List) are not included in the plant palette for the site.	Project Landscape Architect	Prior to Approval of Landscape Plans	City Planning and Building Department	Prior to Approval of Landscape Plans		
BIO-3	Prior to vegetation clearing activities on-site, the City of Huntington Beach shall conduct focused surveys for the coastal	City of Huntington Beach/Project	Prior to Vegetation Clearing	City Planning and Building Department	Prior to Vegetation Clearing		

EIR for the Remediation and Reuse of the
Former Gun Range Within Huntington Central Park



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
	California gnatcatcher to determine the presence or absence of this species on the project site. Survey protocol requires either (1) a minimum of six surveys be conducted between March 15 and June 30 or (2) a minimum of nine surveys be conducted between July 1 and March 14. If focused surveys determine that coastal California gnatcatcher is not present on the project site, then no further measures would be necessary. If focused surveys determine that the coastal California gnatcatcher is present on the project site, then the City shall implement additional avoidance, minimization, or mitigation measures as determined by the USFWS.	Biologist	Activities		Activities/ During Construction		
BIO-4	Prior to the approval of lighting plans and specifications for the proposed project, the City of Huntington Beach Planning and Building Department shall verify that night lighting shall be directed away from open space areas and shielding shall be incorporated into the final project design to minimize the increase in ambient lighting adjacent areas to the greatest extent practicable. These stipulations shall be denoted on project plans for review and approval by the Planning and Building Department.	Project Engineer	Prior to Approval of Lighting Plans and Specifications	City Planning and Building Department	Prior to Approval of Lighting Plans and Specifications		
BIO-5	To the extent feasible, the City of Huntington Beach shall conduct all vegetation removal activities outside of the nesting season (typically February 15 to August 15) to avoid potential impacts	City of Huntington Beach/Project Biologist	During Remediation and Construction	City Planning and Building Department	During Remediation and Construction		

EIR for the Remediation and Reuse of the
Former Gun Range Within Huntington Central Park



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
	to nesting birds. However, if initial vegetation removal occurs during the nesting season, all suitable habitat shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist prior to commencement of clearing. If any active nests are detected, a buffer of at least 100 feet (300 feet for raptors) shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the Project Biologist.						
BIO-6	Prior to landscape plan approval for the proposed project, the Huntington Beach Department of Planning and Building Director or his designee shall verify that all mature/significant trees affected by the project are identified on project landscape plans. Any tree meeting the City's criteria for a mature/significant tree (generally including trees with a minimum 10-inch diameter trunk at approximately four feet in height from the adjoining ground) shall be replaced at a 2:1 ratio. Replacement tree locations shall also be denoted on project landscape plans.	Project Landscape Architect	Prior to Landscape Plan Approval	City Planning and Building Department	Prior to Landscape Plan Approval		
TRAFFIC AND CIRCULATION							
TRA-1	Prior to issuance of a building permit for the proposed project, the City of Huntington Beach shall contribute its fair share to the implementation of the following potential improvements (also identified in the <i>Huntington Beach Circulation Element Update</i>) for the Beach Boulevard/Talbert Avenue intersection:	City of Huntington Beach	Prior to Issuance of Building Permit	City Public Works Department/ City Engineer	Prior to Issuance of Building Permit		

EIR for the Remediation and Reuse of the
Former Gun Range Within Huntington Central Park



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
	<ul style="list-style-type: none"> • Add second westbound left turn lane; • Add defacto westbound right turn lane; • Add separate northbound right turn lane; • Add second eastbound left turn lane; and/or • Stripe defacto eastbound right turn lane. 						
CUL-1	<p>Prior to the issuance of a grading permit and building permit, the Huntington Beach Department of Planning and Building Director or his designee will confirm that the grading and construction plans stipulate that a qualified professional archaeologist will be contacted in the event that potential archaeological resources are discovered during the remediation, grading, and construction activities. Work will stop until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures to the approval of the City's Planning and Building Department. Treatment measures typically include development of avoidance strategies or mitigation of impacts through data recovery programs such as excavation or detailed documentation. If during cultural resources monitoring the qualified archaeologist determines that the site area of work is unlikely to contain significant</p>	Construction Contractor	Prior to Issuance of a Grading or Building Permit	City Planning and Building Director or Designee	Prior to Issuance of a Grading or Building Permit/ During Remediation and Construction		

EIR for the Remediation and Reuse of the
Former Gun Range Within Huntington Central Park



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE	
						Signature	Date
	cultural materials, the qualified archaeologist can specify that monitoring be reduced or eliminated.						