

Purpose of the EIR

The purpose of this Environmental Impact Report (EIR) is to inform agency decision makers and the public about the anticipated significant environmental effects of the proposed project, potential measures to mitigate these significant effects, and reasonable alternatives that could reduce the significant environmental impacts of the proposed project to less-than-significant levels.

This chapter describes the proposed project, the Malibu Lagoon Restoration and Enhancement Plan (plan or project). Provided below is an overview of the proposed plan, plan background, the California Environmental Quality Act (CEQA), and the scope and framework of the EIR.

The Proposed Plan

The California Department of Parks and Recreation (DPR), the Resource Conservation District of the Santa Monica Mountains (RCDSMM), and California State Coastal Conservancy (Coastal Conservancy), with input from the Lagoon Restoration Working Group (LRWG) and the Lagoon Technical Advisory Committee (LTAC), are proposing a restoration and enhancement plan for the Malibu Lagoon (lagoon) at Malibu Lagoon State Beach in the City of Malibu (City). The intent of the proposed plan is to restore and enhance the natural structure and function of the lagoon ecosystem, including water quality, circulation, habitat, and biodiversity, and to enhance public access and education opportunities.

The proposed plan proposes to decrease polluted runoff and increase circulation within the lagoon, thereby improving the quality of water and minimizing the effects of eutrophication. To enhance lagoon habitat, the plan would change the lagoon configuration and improve slopes and drainages, replant native species, and remove non-native species. The plan proposes to relocate and renovate the parking lot, enhance public access, and erect educational displays to better the visitors' experience. An ongoing monitoring plan will be implemented to evaluate, record, and analyze existing and changing ecological conditions of the lagoon using physical, chemical, and biological parameters. The records would

allow DPR, the RCDSMM, the Coastal Conservancy, the LTAC, and other agencies and stakeholders to assess the progress toward restoration goals, and to adaptively manage lagoon function and health.

Background

The 31-acre lagoon is located at the mouth of the Malibu Creek Watershed at Surfrider Beach along the northern shore of Santa Monica Bay within Malibu Lagoon State Beach. Its ecological significance as one of the last remaining coastal wetlands within Santa Monica Bay adds to the interest in developing a restoration and enhancement plan to improve the lagoon's conditions. The lagoon represents an important coastal wetland resource hosting both avian and aquatic species of important statewide and regional ecological significance.

The lagoon has experienced major changes in recent history due to nearby development and other human activities. Currently a fraction of its historical size, the lagoon is experiencing degraded conditions due to inflow of nutrient and pollutant rich water from urban runoff and storm drainage, urban encroachment, limited circulation, effluent from wastewater treatment, and invasion by non-native plant species.

Since 1929, when Caltrans used the site as a dump during the construction of the Pacific Coast Highway (PCH), continual urban development surrounding the Malibu Lagoon has reduced its size and degraded the quality of its water and habitats.¹ The construction of Rindge Railroad line, Pacific Coast Highway Bridge, commercial and residential development, parking lots, and a baseball field decreased the area of the lagoon. Urban runoff, increased sedimentation, increased freshwater flows, and invasion of non-native species have degraded the conditions of the lagoon as well.

A previous effort to restore the lagoon was initiated by the DPR in 1983. The 1983 restoration included the creation and revegetation of three channels with native salt marsh plants and the construction of boardwalks to allow public access. Another restoration effort occurred in 1996 when the California Department of Transportation adopted a restoration plan to mitigate the Malibu Lagoon/PCH bridge replacement. The plan included a goby habitat enhancement plan, revegetation of native species (to restore impacts from the bridge construction), and removal of non-native species.

By the 1980s, the ecological functioning and health of the lagoon had declined. Since the late 1980s, an ongoing community effort has been organized to assess lagoon health and develop restoration plans. In the late 1990s, the Coastal Conservancy funded a study by UCLA, which identified restoration goals for the Malibu Lagoon Task Force. This led

¹ Ambrose, R.F., and A.R. Orme. 2000. Lower Malibu Creek and Lagoon Resource Enhancement and Management. University of California, Los Angeles.

to the preparation of the Malibu Lagoon Restoration Feasibility Study and Final Alternatives Analysis, prepared under a grant from the Coastal Conservancy. After a year of facilitated discussion and consideration among the LRWG, the LTAC, DPR, and the Coastal Conservancy, the resulting recommendation was Alternative 1.5, the Modified Restore and Enhance Alternative for the restoration design, which embodied the restoration goals with the least amount of impacts to the existing lagoon ecosystem (refer to Figure 3-3 in Chapter 3).

The Plan proposed by DPR, RCDSMM, the Coastal Conservancy, and along with the LRWG and the LTAC, seeks to design and implement a restoration and enhancement program, including long-term monitoring and adaptive management for the lagoon.

Overview of CEQA

CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on them. The purpose of this focused EIR is to inform agencies and the public of significant environmental effects associated with the proposed project, describe and evaluate reasonable alternatives to the project, and propose mitigation measures that would avoid or reduce the project's significant effects.

In accordance with Section 15121(a) of the State CEQA Guidelines (California Administrative Code, Title 14, Division 6, Chapter 3), the purpose of an EIR is to serve as an informational document that will

inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

This EIR evaluates the direct, indirect, and cumulative impacts of the proposed project and alternatives in accordance with the provisions set forth in CEQA and the State CEQA Guidelines. It will be used to address potentially significant environmental issues and recommend adequate and feasible mitigation measures, where possible, that could reduce or eliminate potentially significant environmental impacts.

Lead Agency

Per CEQA, DPR is the Lead Agency in association with the Coastal Conservancy and RCDSMM. This EIR reflects the independent judgment of DPR and is intended to comply with CEQA and the State CEQA Guidelines (see Public Resources Code, §21100; State CEQA Guidelines, §§15120-15132).

Lead Agency – the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect upon the environment.

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Responsible Agencies

Responsible Agency – public agency, other than the lead agency, that has the responsibility of carrying out or approving a project.

The following agencies have been identified as potential Responsible Agencies under CEQA:

- U.S. Army Corps of Engineers (lagoon restoration work within the Corps wetland delineation only – does not include Phase I Parking Lot Development)
- California Regional Water Quality Control Board (RWQCB) – LA Region
- California State Coastal Conservancy
- California Coastal Commission
- U.S. Fish and Wildlife Service (USFWS)
- National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS)
- City of Malibu - (Phase I Parking Lot Development Component Only)
- Caltrans District 7 - (Potential permitting agency for any work or staging that may take place within the Right-of-Way of Pacific Coast Highway)

Trustee Agencies

Trustee Agency – a state agency that has jurisdiction by law over natural resources affected by a project, that are held in trust for the people of the State of California.

The following agencies have been identified as potential Trustee Agencies under CEQA:

- California Department of Fish and Game (CDFG) – South Coast Region
- California Department of Parks and Recreation (DPR)
- U.S. Fish and Wildlife Service (USFWS)
- California Coastal Commission (CCC)
- Native American Heritage Commission (NAHC)
- State Historic Preservation Office (SHPO)

Scope of the EIR

In accordance with the State CEQA Guidelines, this document describes the potential environmental effects caused by construction, operation, and long-term monitoring activities related to restoring and enhancing the lagoon. The intent of this EIR is to disclose the environmental concerns and impacts associated with this restoration and enhancement plan. The document presents any potentially adverse impacts and their analysis, as well as identification of any feasible mitigation measures.

An Initial Study Checklist was not prepared prior to issuance of the Notice of Preparation (NOP) of an Environmental Impact Report. Therefore, each of the environmental topic areas listed in the CEQA Checklist is evaluated in this EIR. Specifically, the following issues are addressed in this document:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Construction Effects
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Health (Vector Control)
- Public Services
- Recreation
- Transportation and Circulation
- Utilities and Service Systems

The Lead Agency (DPR) has not adopted its own CEQA thresholds for determining the significance of impacts in environmental analysis and documentation. As a state agency with trustee responsibility for widely

divergent habitat types and settings, the application of a static set of thresholds is not practical, nor would it allow the flexibility to determine site-specific context and intensity of project proposals and impacts.

DPR incorporates 278 units with jurisdiction over 1.5 million acres of land and major units within all of the state's ecoregions and geomorphic provinces. The Park system includes recreation areas, historic parks, and cultural sites that preserves and supports the most diverse assemblage of natural resource values of any land management agency in California.

For the reasons and circumstances detailed above, and to afford the most conservative scope of environmental review compliant with CEQA, the thresholds listed in Appendix G of the State CEQA Guidelines were applied in evaluating significance of impacts in this EIR.

On October 28, 2005, the DPR submitted a NOP for a 30-day review to the State Clearinghouse, responsible agencies, and interested parties. The NOP was also published in the *Malibu Times* and *Malibu Surfside News* on October 27, 2005. The NOP presented a description of the proposed project, potential environmental effects, instructions on how to provide comments, and the date, time, and location of the public scoping meeting that was held at Malibu City Hall the evening of November 16, 2005. The NOP and copies of all letters received in response to the NOP are included in Appendix B.

Approximately 15 persons attended the scoping meeting. An overview and history of the lagoon, the proposed Plan, and CEQA requirements were presented. The presentation included a chronology of preceding lagoon restoration actions that ultimately led to the development the proposed Plan. During the public comment portion of the meeting, questions were raised concerning construction phase beach access, biological impacts, and the methodology used to determine impacts. All questions and concerns raised at the scoping meeting have been addressed in this EIR.

Required Approvals

Required and discretionary and ministerial approvals from the State of California and other agencies may include, but are not limited to:

- The U.S. Army Corps of Engineers (Corps) would issue permits pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors.
- The CDFG would issue a Streambed Alteration Agreement pursuant to Section 1601 of the California Fish and Game Code.
- The CCC would issue a Coastal Development Permit pursuant to the California Coastal Act of 1976.

- The RWQCB would issue a Water Quality Certification pursuant to Section 401 of the Clean Water Act.
- The South Coast Air Quality Management District (SCAQMD) would issue a permit for stationary sources.
- The City of Malibu would issue a Coastal Development Permit for development of the parking lot component of the project only.
- A permit to work within California Department of Transportation Right-of-Way (ROW) may also be required.
- Section 7 consultation with NOAA/NMFS and USFWS

Preparers of This EIR

This EIR was prepared by Jones & Stokes Associates in association with Terry A. Hayes Associates (contact information below). Staff from the California Department of Parks and Recreation, the Coastal Conservancy, and the Resource Conservation District of the Santa Monica Mountains also assisted in the preparation of this document.

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