

**TEMPORARY OCEAN WATER DESALINATION
DEMONSTRATION PROJECT
SCH# 2008011079**

STATEMENT OF FACTS AND FINDINGS

1.0 INTRODUCTION

The California Environmental Quality Act ("CEQA") in Public Resources Code Section 21081 provides in part that:

"[N]o public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
 - (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
 - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment."

West Basin Municipal Water District circulated a Notice of Preparation (NOP) for a 30-day public review period commencing January 22, 2008 to February 20, 2008, and held three public scoping meetings. The District prepared a Draft EIR (State Clearinghouse No. 2008011079) to address "the project". The Draft EIR identified that the project will cause less than significant impacts, with the exception to potential liquefaction due to a seismic event. The Draft EIR was circulated for public review and comment for a 45-day period (October 22, 2008 through December 5, 2008) as specified in the State CEQA Guidelines. The District held two public meetings during the 45-day review period, on November 10, 2008. Public comments were received by West Basin Municipal Water District (District) and have been responded to by the District in accordance with CEQA requirements.

The District determines that the Final EIR, comprised of the Draft EIR, comments received from the public and interested agencies, the Responses to Comments prepared by the District, Errata, and all attachments and documents incorporated by reference is complete and adequate, and has been prepared in accordance with CEQA, the State CEQA Guidelines, and the District's Local CEQA Guidelines.

Section 15126.2(b) of the CEQA Guidelines requires an EIR to "Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance." Chapter 5.0, *Detailed Environmental Analysis*, of the Draft EIR analyzes the potential environmental impacts of the proposed project. The Draft EIR identified one significant and unavoidable impact with respect to onsite liquefaction. As the EIR concludes that implementation of the Project, as amended (and the Project alternatives) would result in adverse impacts, it is required under the State CEQA Guidelines to make certain findings with respect to these impacts (CEQA Guidelines Section 15091).

2.0 DESCRIPTION OF PROJECT PROPOSED FOR APPROVAL

The Temporary Ocean Water Desalination Demonstration Project ("Temporary Facility") is proposed by the West Basin Municipal Water District (District) as a temporary ocean water desalination demonstration project. The proposed Project consists of a temporary desalination demonstration facility utilizing approximately 580,000 gallons per day (GPD) of open ocean water (via an existing AES intake tunnel), in order to evaluate various alternative technologies and processes, sustainable operation, water quality monitoring and to study the impacts of desalination on the environment.

The Project is proposed to be located at the SEALab property. The Project includes improvement of the abandoned AES pumphouse, and using an adjacent 40' x 100' area (the "South Yard") for desalination equipment, and other minor improvements (refer to Exhibit 3-2, *Site Vicinity Map*). The Project will also utilize portions of the AES parking lot across North Harbor Drive, for construction parking and staging, and for employee/visitor parking when the Temporary Facility is operational.

3.0 FINDINGS CONCERNING IMPACTS FOUND NOT SIGNIFICANT

In evaluating the potential impacts associated with the Project, the Final EIR identified potential impacts that would be not significant. This Section of the Statement of Facts and Findings identifies those impacts that may occur with project implementation but were found to be below the threshold of significance. CEQA does not require findings for impacts that are found to be less than significant, and therefore do not require mitigation. Nevertheless, the following information is provided in order to summarize the basis for determinations of non-significance for the potential impacts as presented in the Section 5.0, *Detailed Environmental Analysis*, in the Final EIR.

AIR QUALITY

Finding

Short-term air quality impacts would not be significant during site preparation and Project construction. Nonetheless, the District has proposed "mitigation" to further reduce air quality effects (AIR-1).

Fact in Supporting Finding

The proposed Project is approximately less than one acre and is located in Source Receptor Area 3, which is classified as Southwest Coastal Los Angeles County. The daily maximum emissions provided within the construction analysis using the URBEMIS 2007 model were utilized in the localized significant thresholds analysis. Based on the emission calculations conducted in the URBEMIS 2007 model, the proposed Project would not result in an

exceedance of the localized significant thresholds. Therefore, impacts associated with localized emissions would be less than significant.

Serpentinite and/or ultramafic rock are known to be present in 44 of California's 58 counties. Sedimentary rocks underlie most of the City of Redondo Beach. Serpentinite and ultramafic rocks are not known to occur within the Project area, and thus the potential for Naturally Occurring Asbestos does not exist. As the potential for Naturally Occurring Asbestos does not exist in the vicinity of the Project, a less than significant impact would occur in this regard.

Finding

The Project would not result in an overall increase in the local and regional pollutant load due to direct impacts from vehicle emissions and indirect impacts from electricity and natural gas consumption.

Fact in Supporting Finding

Based on the operational analysis conducted in Section 5.2 of the Draft EIR, combined operational emissions (consumption and mobile sources) for each criteria pollutant would fall well below the SCAQMD thresholds outlined in Table 5.2-4, in Section 5.2 of the Draft EIR. Therefore, the long-term air quality impacts from implementing the proposed Temporary Facility would be less than significant.

Finding

The Project would not conflict with the SCAQMD's 2007 Air Quality Management Plan.

Fact in Supporting Finding

As indicated in the operational analysis in Section 5.2 of the DEIR, the proposed Project would not exceed the SCAQMD's thresholds of significance. Therefore, the Project is consistent with the 2007 Air Quality Management Plan and impacts are considered to be less than significant.

BIOLOGICAL RESOURCES

Finding

The Project would not result in any salinity-related impacts to marine resources as the concentrate will be recombined prior to discharge and will not result in any temperature-related impacts to marine resources, as the existing SEALab discharge is not heated.

Facts in Support of Finding

Through the combination of the reverse osmosis permeate and microfiltration/ultrafiltration washwater with the reverse osmosis ocean water concentrate, the combined discharge from the Temporary Facility will have essentially the same bacteriological water quality, turbidity, and suspended solids as the source water. Detailed receiving water modeling was conducted which indicates that the nominal "additional" salts added through chemical neutralization will result in a negligible increased salinity. The Project's discharge will be temporary and would not occur in immediate proximity to sensitive marine habitat. There will be no temperature-related impacts because the existing discharge is not heated and future operational discharge will not be heated. Therefore, the Temporary Facility will result in less than significant impacts with respect to salinity and temperature effects.

Finding

The Project would not interfere with wildlife movement/migration corridors that may diminish the chances for long-term survival of a species.

Facts in Support of Finding

No known terrestrial wildlife or aquatic species migration corridors are present in the proposed Project area. Due to the small construction area, the Project would not block or interfere with migration or movement of any water-related species because the birds could easily avoid the work site. Operation of the proposed Project would not interfere with wildlife movement/migration corridors. Therefore, interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a species is found to be less than significant.

Finding

The Project would not require various pretreatment and post-treatment chemical additives that may adversely impact marine biological resources in the vicinity of the outfall.

Facts in Support of Finding

Considering the small volume of discharge, that the Project's discharge volume has been reduced, RO concentrate volumes have been reduced, the temporary nature of the discharge, the relative absence of sensitive marine habitat in the immediate vicinity of the intake and discharge, and the Project's research value in studying effective ocean intake technologies, the Project will not have any significant impact upon marine resources.

GEOLOGY, SOILS, AND SEISMICITY

Finding

Project construction and implementation would not potentially expose structures and people to potential impacts involving fault rupture.

Facts in Support of Finding

The proposed Project area is not currently known to be located within an Alquist-Priolo Fault Rupture Hazard Zone. Therefore, impacts involving fault rupture is found to be less than significant.

Finding

Project construction and implementation would not potentially expose people and/or structures to impacts involving landslides or mudflows.

Facts in Support of Finding

No landslides are known to exist either within or adjacent to the demonstration facility site. Landslide hazards associated with the construction and operation of the Temporary Facility are considered minimal due to the flat nature of the proposed site. Therefore, impacts involving landslides or mudflows are found to be less than significant.

Finding

Project construction and implementation would not potentially expose people and/or structures to potential impacts associated with expansive soils.

Facts in Support of Finding

Based on the overall loose to medium dense nature of the deposits at the site, expansive soils associated with these deposits are not likely to be encountered within the proposed site. As noted in Section 5.4 of the DEIR, the proposed South Yard Equipment Area and pumphouse will be improved to provide an adequate foundation to support proposed uses. In consideration of

Project Design Features and mitigation noted in Section 5.4 of the DEIR (compliance with the February 2008 geotechnical reports contained in Appendix D, as amended, UBC requirements, and Special Publication 117), no significant impacts are anticipated, therefore impacts associated with expansive soils are found to be less than significant.

Finding

Project construction and implementation would not result in potential impacts involving the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State.

Facts in Support of Finding

There are no economic metallic ore deposits within or directly adjacent to the Project areas; and the potential for oil and/or gas deposits beneath the Project areas is remote. Due to the nature of the proposed Project, impacts associated with mineral resources are not expected. Therefore, impacts involving the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State are found to be less than significant.

LAND USE AND RELEVANT PLANNING

Finding

The Temporary Facility would not divide any established communities.

Facts in Support of Finding

The project is located entirely within the yard of the existing SEALab site (other than secondary elements at the ocean intake, and at the AES Parking/Staging area, neither of which would "divide an established community"). The project is not located in an existing housing community or in an area zoned as residential, and is not directly adjacent to residentially-zoned districts. As such, the project would not result in the division of an established community. Therefore, the Project is considered to have no impacts that would divide any established communities.

Finding

The Temporary Facility would be consistent with relevant State and local land use plans and policies.

Facts in Support of Finding

The proposed Temporary Facility is consistent with the Coastal Act and City of Redondo Beach LCP, General Plan, and Zoning. The EIR evaluates other Coastal Act related policies in the applicable DEIR sections (including Sections 5.1, *Aesthetics/Light & Glare*, 5.2, *Air Quality*, 5.3, *Biological Resources*, 5.8, *Traffic and Circulation*, 5.9, *Water Quality*, 6.2, *Growth-inducing Impacts*, and Section 7, *Alternatives*). Therefore, there are no impacts concerning consistency issues with relevant local use plans and policies.

Finding

The proposed Temporary Facility would be consistent with existing land uses.

Facts in Support of Finding

Based on the current uses of the SEALab facility, urban nature of the surrounding area (which includes a mix use of restaurants, retail, residential, commercial and industrial uses), Project Design Features, and recommended mitigation measures, the Temporary Facility is expected to be consistent with the existing mixed-use nature of the project area and is not otherwise

anticipated to result in significant impacts to surrounding land uses. Therefore, impacts regarding consistency with existing land uses are considered less than significant.

PUBLIC HEALTH AND SAFETY

Finding

Construction of the proposed Project would not potentially result in significant short-term impacts related to hazards or hazardous materials.

Facts in Support of Finding

Project construction would include the removal and demolition of all unused pumphouse equipment as well as all paint and chemicals within the pumphouse and the 40 feet x 100 feet area directly south of the pumphouse. Demolition activities would be required to adhere to appropriate regulatory requirements of the Occupational Safety and Health Administration (OSHA) to protect workers from exposure to potential hazards. Project design features and adherence to applicable local, state and federal regulations will reduce impacts to less than significant.

TRAFFIC AND CIRCULATION

Finding

Construction of the proposed Temporary Facility would not result in conflicts with adopted policies, plans, or programs supporting alternative transportation such as temporarily disrupting fixed-route transit service or delay the MTD service.

Facts in Support of Finding

Vehicular traffic resulting from construction of the Temporary Facility is not anticipated to significantly disrupt or delay operation of bus service in the Project vicinity, because the presence of such vehicles would be brief as they travel to and from the subject property where construction would occur, and existing bus routes are not anticipated to be significantly affected. Impacts would therefore be less than significant.

Finding

Operation of the Temporary Facility would not result in an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume capacity (v/c) ratio on roads, or congestion at intersections).

Facts in Support of Finding

The Project would not adversely affect existing pedestrian, bicycle or transit operations along North Harbor Drive, as the North Harbor Drive gate would have infrequent use during operation, and appropriate signage will be utilized to ensure pedestrian, bicycle and motorist safety. Pedestrian access to the Temporary Facility will be via the AES Parking/Staging Area (or adjacent public parking lot), for which either route currently provides signalized crossing at North Harbor Drive and Yacht Club Way. In addition, maintenance procedures would generally involve routine maintenance checks. Due to the low number of workers, the short duration of operations, and minimal maintenance procedures, the number of trips generated by the Temporary Facility operations or maintenance procedures will not lower the LOS on area roadways or at intersections, or affect emergency vehicle access on-site or within the vicinity of the Temporary Facility. Therefore, operational traffic impacts would be less than significant, and no mitigation is necessary.

WATER QUALITY

Finding

Proposed reverse osmosis operations would not have a significant impact upon receiving water quality in the vicinity of the existing SEALab discharge.

Facts in Support of Finding

Based upon the water quality and dilution analysis presented in Section 5.9 in the DEIR, impacts to receiving water as a result of the Temporary Facility would be less than significant.

Finding

Sampling conducted for source water at the SEALab indicates that ocean water is of high quality and that impacts related to operation of the Temporary Facility would be less than significant.

Facts in Support of Finding

Based on the analysis provided in the Draft EIR, Section 5.9.3.2, *Source Water Quality*, impacts in regards to source water quality would be less than significant.

4.0 FINDINGS CONCERNING IMPACTS FOUND TO BE LESS THAN SIGNIFICANT WITH MITIGATION

In evaluating the potential impacts associated with the project, the Final EIR identified potential impacts that would be less than significant with mitigation. This Section of the Statement of Facts and Findings identifies those impacts that may occur with project implementation but were found to be below the threshold of significance with recommended mitigation measures (refer to Project Resolution Attachment B, Mitigation Monitoring and Reporting Program).

AESTHETICS/LIGHT AND GLARE

Finding

The Project would not substantially degrade the existing visual character/quality of the site and its surroundings during construction with the implementation of mitigation measures (refer to Project Resolution Attachment "B", Mitigation Monitoring and Reporting Program).

- (1) *Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the FEIR.*

Facts in Support of Finding

Although visual impacts from off-site construction staging areas exist, these impacts would be short-term in nature and would occur within an urbanized, industrial area. In consideration of the Project Design Features, and with observance of the City's construction hour limitations (NOI-1), these impacts would be reduced to less than significant levels.

Finding

The Project would not result in impacts to scenic vistas within the Project area during construction with the implementation of mitigation measures (refer to Project Resolution Attachment "B", Mitigation Monitoring and Reporting Program).

- (1) *Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the FEIR.*

Facts in Support of Finding

Although construction activities would be visible from North Harbor Drive, Herondo Street and the intake tunnel installation area, these activities would be temporary in nature, and would be reduced to less than significant levels as noted in Mitigation Measure ALG-1.

Finding

The Project would not result in impacts to surrounding uses due to light and glare during construction with the implementation of mitigation measures (refer to Project Resolution Attachment "B", Mitigation Monitoring and Reporting Program).

- (1) *Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the FEIR.*

Facts in Support of Finding

Consideration of Project Design Features and the temporary nature of construction activities, compliance with the City of Redondo Beach requirements, and with implementation of Mitigation Measure ALG-3, impacts resulting from construction light and glare would be reduced to less than significant levels.

Finding

The Project would not substantially degrade the existing visual character/quality of the site and its surroundings during Project operation with the implementation of mitigation measures (refer to Project Resolution Attachment "B", Mitigation Monitoring and Reporting Program).

- (1) *Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the FEIR.*

Facts in Support of Finding

Based on the discussion in the DEIR, Section 5.1.3.2.1, *Degradation of Character/Quality*, the Temporary Facility appears to be consistent with applicable policies and requirements set forth in the City's harbor rezoning program (refer to Section 5.5, *Land Use/Relevant Planning* for additional discussion). Thus, the potential to substantially degrade the existing visual character/quality of the site and its surroundings during Project operation is considered less than significant with mitigation ALG-4, which requires screening of equipment visible from offsite.

Finding

The Project would not result in impacts to scenic vistas during Project operation with the implementation of mitigation measures (refer to Project Resolution Attachment "B", Mitigation Monitoring and Reporting Program).

- (1) *Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the FEIR.*

Facts in Support of Finding

Based on the *Specific Plan*, the Project area has scenic views of the marina and water from vehicles traveling along North Harbor Drive. The majority of proposed Project would be

screened by the existing perimeter wall from vehicles traveling along North Harbor Drive. Additionally, should any Project equipment be visible from North Harbor Drive, implementation of Mitigation Measure ALG-4 would provide for adequate screening, which would reduce these impacts. With implementation of Mitigation Measure ALG-4, Project impacts to scenic vistas would be reduced to less than significant levels.

Finding

The Project would not result in impacts to surrounding uses due to light and glare during long-term Project operation with the implementation of mitigation measures (refer to Project Resolution Attachment "B", Mitigation Monitoring and Reporting Program).

- (1) *Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the FEIR.*

Facts in Support of Finding

Considering the relatively industrial nature of the marina area, with RBGS across the street and multi-story hotels to the west and northwest, these lighting changes are not considered to represent a significant impact. Additionally, Mitigation Measure ALG-6 requires that all exterior light fixtures be directional and not exceed intensity necessary for safety and security. This impact is considered less than significant with implementation of standard design practices and Mitigation Measure ALG-6. Temporary Facility decommissioning would comply with all applicable project-related construction mitigation measures. No significant aesthetic or light/glare impacts are anticipated relative to project decommissioning activities.

BIOLOGICAL RESOURCES

Finding

The Project would not result in nominal additional marine organism mortality due to ocean water intake and discharge, and/or may otherwise adversely affect marine organisms with the implementation of mitigation measures (refer to Project Resolution Attachment "B", Mitigation Monitoring and Reporting Program).

- (1) *Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the FEIR.*

Facts in Support of Finding

The proposed Temporary Facility will utilize a "pipe-in-pipe" concept, in which four new, smaller diameter pipelines will be installed within the existing 10-foot diameter concrete tunnel (this will not require seabed construction, as the new pipes will be installed from the shoreward end of the existing concrete tunnel, and pulled through the existing concrete tunnel from the ocean end using boat-mounted equipment). The seaward end of the proposed intake pipeline will be equipped with a state-of-the-art passive "wedgewire" screen, which is a wedge-shaped, slotted screening system designed to minimize I&E impacts to marine biological resources (refer to Section 3, *Project Description*, and Appendix C, *Biological Resources*). Source water intake will be at 0.5 feet per second (fps) or less to further minimize I&E. Preliminary modeling, contained in Appendix C, indicates an anticipated 100% reduction (elimination) of Project-related impingement, and reducing Project-related entrainment to 16.7% (for the 1mm wedgewire slot size) and 45.9% (for the 2mm wedgewire slot size), respectively. This is in addition to the over 50% entrainment reduction achieved by reducing the Project intake volume from 1.2 MGD to 0.58 MGD. This passive wedgewire technology will be further evaluated during the

demonstration facility process, as discussed further below, and as noted in Mitigation Measure BIO-2 (See Section 5.3.6 of the EIR), and through required regulatory agency conditions to ensure compliance with applicable state and federal marine resource regulations, such as marine mammal monitoring (noted in Final EIR Volume II, Response No. 8).

GEOLOGY, SOILS, AND SEISMICITY

Finding

Project construction would not create potential impacts involving erosion, or unstable soil conditions from excavation, grading or fill with the implementation of mitigation measures (refer to Project Resolution Attachment "B", Mitigation Monitoring and Reporting Program).

- (1) *Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the FEIR.*

Facts in Support of Finding

The SEALab site and the AES Parking/Staging Area drainage systems will convey site runoff to the existing storm drain systems. These drainage systems will be protected from construction-related runoff through implementing required erosion control measures as is typical of construction, and as set forth in GEO-1. Such measures are anticipated to include covering trucks exiting the site to minimize wind-blown erosion, and creating a stockpile area that minimizes wind and water erosion through use of perimeter containment and/or tarps. The implementation of these Best Management Practices would reduce impacts to a less-than-significant-level. Refer to section 5.9, *Water Quality* for further discussion about this plan.

NOISE AND VIBRATION

Finding

Project construction would not result in temporary noise or vibration impacts that may exceed City noise standards with the implementation of mitigation measures (refer to Project Resolution Attachment "B", Mitigation Monitoring and Reporting Program).

- (1) *Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the FEIR.*

Facts in Support of Finding

Construction activities are only allowed to take place between the hours of 7:00 AM and 6:00 PM Monday through Friday, and 9:00 AM and 5:00 PM on Saturday. Also, the South Yard limits of work area is surrounded by a 6' to 8' wall and two large existing buildings within the site, which would attenuate noise at sensitive receptors. Additionally, implementation of the recommended mitigation measures (i.e., engine muffling, placement of construction equipment, and strategic stockpiling and staging of construction vehicles), as well as compliance with the City of Redondo Beach's *Municipal Code* requirements, would serve to further reduce exposure. The proposed Project is also a Temporary Facility, and has incorporated several Project Design Features that reduce or avoid significant noise impacts, and any residual impacts would be reduced by the mitigation measures. Elimination of piles (and associated pile driving) avoids significant vibration effects. Therefore, a less than significant noise impact would result from construction activities.

Finding

Project implementation would not temporarily increase ambient noise levels and could expose sensitive receptors to increased noise or vibration levels with the implementation of mitigation measures (refer to Project Resolution Attachment "B", Mitigation Monitoring and Reporting Program).

- (1) *Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the FEIR.*

Facts in Support of Finding

As stated in Mitigation Measure NOI-2, in the DEIR, final facility plans would be reviewed to ensure that the facilities include appropriate design features to ensure noise levels would comply with the City of Redondo Beach's applicable noise ordinances and regulations. With the proposed acoustical attenuation measures that are being considered in the design, the increase in noise levels from stationary sources associated with the Project is not anticipated to result in a noticeable increase in the ambient noise level. Thus, a less than significant impact would occur with mitigation applied, as mentioned above, that would reduce impacts to sensitive receptors due to increased noise or vibration levels.

PUBLIC HEALTH AND SAFETY

Finding

Operation of the proposed Project would not potentially result in significant long-term impacts related to hazards or hazardous materials with the implementation of mitigation measures (refer to Project Resolution Attachment "B", Mitigation Monitoring and Reporting Program).

- (1) *Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the FEIR.*

Facts in Support of Finding

It is not anticipated that the Project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or create a significant hazard to the public or environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment. In addition, the Project site is not within one-quarter mile of an existing or proposed school. Therefore, impacts in regards to the long-term operational use, storage, and transport of hazardous materials involved with Project operation would be less than significant. However, although impacts associated with hazards are considered to be less than significant with the facility design and proposed operational measures, mitigation measures are included to ensure that these Project features and operational practices are maintained.

TRAFFIC AND CIRCULATION

Finding

Construction of the proposed Temporary Facility would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume capacity (v/c) ratio on roads, or congestion at intersections) with the implementation of mitigation measures (refer to Project Resolution Attachment "B", Mitigation Monitoring and Reporting Program).

- (1) *Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the FEIR.*

Facts in Support of Finding

Demolition and construction activities are estimated to last approximately 12 months. Although construction activities may temporarily increase traffic along local roadways, the addition of ADT generated by the Temporary Facility on the roadway system is generally not expected to contribute to significant traffic impacts or delays, due to the low number of trips anticipated; however, lane closures may be necessary in certain areas, which could potentially lead to traffic delays and queuing of vehicles, as well as temporarily lowering the existing LOS on area roadways. This potentially significant impact would be reduced through preparation of a Traffic Management Plan, prior to construction.

Decommissioning activities, following completion of the Project operations, would require substantially less offsite construction traffic than Project demolition and construction activities described above, would be subject to the same construction-related mitigation (including a Traffic Management Plan), and would therefore not result in significant traffic or circulation impacts.

Finding

Construction of the proposed Temporary Facility would not result in conflicts with adopted policies, plans, or programs supporting alternative transportation such as the result of pedestrian and bicycle hazards from the disruption of construction vehicles entering and exiting the Temporary Facility site with the implementation of mitigation measures (refer to Project Resolution Attachment "B", Mitigation Monitoring and Reporting Program).

- (1) *Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the FEIR.*

Facts in Support of Finding

Improvements required for the intake facilities are not anticipated to interfere with such modes of travel, as such improvements would occur in the open ocean area at the existing tunnels. Although construction vehicles would utilize surrounding roadways to travel to and from the site, construction vehicle traffic is not expected to result in long-term lane closures or hazardous conditions that would affect such alternative means of travel. Therefore, impacts on pedestrian and bicycle travel, as the result of construction of the Temporary Facility, would be less than significant, and no additional mitigation is necessary (other than noted in TC-1).

Finding

Implementation of the proposed Temporary Facility would not potentially result in significant impacts resulting in inadequate parking capacity in adjacent residential areas or at public facilities, such as a park or beach with the implementation of mitigation measures (refer to Project Resolution Attachment "B", Mitigation Monitoring and Reporting Program).

- (1) *Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the FEIR.*

Facts in Support of Finding

Employee and visitor parking would be provided at the RBGS parking lot across North Harbor Drive. Occasional special events may occur at the Temporary Facility (such as VIP tours,

educational events, etc.), for which public parking would be provided at the RBGS visitor parking lot. Employees and visitors will be encouraged to utilize the AES Parking lot to avoid utilization of the adjacent public parking lot. Implementation of the proposed Temporary Facility would not result in significant impacts to the existing SEALab site or surrounding area, including existing parking and parking areas, nor is overflow parking into nearby residential areas anticipated. The District's Site Access Plan will include provisions specifying parking and access protocols for employees, visitors and special event guests, including appropriate signage and coordination with AES, SEALab and the City of Redondo Beach. Therefore, operational traffic impacts related to parking would be less than significant, and no mitigation is necessary.

5.0 FINDINGS CONCERNING IMPACTS FOUND TO BE SIGNIFICANT WITH MITIGATION ("Unavoidable Significant Impacts")

In evaluating the potential impacts associated with the project, the Final EIR identified one potential impact that was determined to be significant and unavoidable. This Section of the Statement of Facts and Findings identifies those impacts that may occur with project implementation that were found to be significant with mitigation.

GEOLOGY, SOILS, AND SEISMICITY

Finding

Project construction and implementation would potentially expose structures and/or people to impacts involving seismic ground shaking.

- (1) *Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the FEIR.*
- (2) *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR.*

Complete mitigation is not possible to avoid the significant adverse project impacts related to liquefaction potential. Please refer to the "Statement of Overriding Considerations" contained in Section 8.0 of this document.

Facts in Support of Finding

The proposed Project would be designed and constructed to accommodate the seismic shaking that is expected from the surrounding faults within the region. In addition, the Project would be required to conform to the UBC, which has provisions addressing seismic hazards. These provisions are designed to reduce impacts associated with seismic ground shaking by requiring that structures be designed to accommodate strong seismic shaking. In order to mitigate geotechnical, seismic and soils hazards, the project engineer has recommended constructing a new concrete foundation for the South Yard Equipment, as well as improving the pumphouse while avoiding placement of heavy equipment inside the pumphouse. The recommended concrete mat for the South Yard Equipment Area is susceptible to liquefaction during a seismic event, during which several inches of settlement could occur. The District evaluated options to mitigate this potential impact (which would only occur during a seismic event). DEIR Appendix D, *Geotechnical Reports*, contains the original analysis, which suggested an extensive system of piles to support the South Yard concrete foundation. However, considering the infrequent nature of seismic events large enough to cause liquefaction, the temporary nature of the

proposed facility, the additional environmental impact and cost associated with pile driving and excavations, the District elected to pursue a robust concrete mat foundation rather than piles. The residual risk to structural damage (within the South Yard area) is therefore considered a significant unavoidable impact.

Adherence to the UBC and the implementation of standard seismic design principles, compliance with the geotechnical report (as amended; see DEIR Appendix D), and compliance with CGS Special Publication 117 would substantially reduce potential impacts associated with ground motion. Mitigation measures, as depicted in the MMRP (Exhibit B to the FEIR Resolution) will be implemented, but these measures are unable to reduce the impacts related to liquefaction to a less than significant level. Other mitigation (using a series of deep driven piles) would result in other significant impacts, and the potential risk for slight differential settlement is considered acceptable. These impacts are overridden by the Project benefits as set forth in the Statement of Overriding Considerations (Section 8.0 of this document).

6.0 FINDINGS REGARDING CUMULATIVE IMPACTS

As determined in DEIR Section 5.0, *Detailed Environmental Analysis*, the proposed Project would not result in any "cumulatively considerable" contribution to cumulative impacts, as summarized further below.

AESTHETICS/LIGHT AND GLARE

Finding

The Project would not result in cumulative aesthetics or light and glare impacts in combination with other projects in the vicinity.

Facts in Support of Finding

The Project site and surrounding vicinity consists of urbanized uses typical of a marina/industrial area. As discussed in Section 5.1, *Aesthetics, Light and Glare*, of the DEIR, the Temporary Facility is not anticipated to result in any significant aesthetic or light/glare impacts. Given the area's existing urbanized condition and considering that the proposed uses will occur in areas that presently have similar aesthetic and light/glare conditions, the Project's incremental contribution to possible cumulative impacts is not "cumulatively considerable". Therefore, cumulative aesthetics or light and glare impacts in combination with other projects in the vicinity impacts are considered to be less than significant.

AIR QUALITY

Finding

Impacts on regional air quality resulting from the proposed Project and cumulative projects would not impact existing regional air quality levels on a cumulative basis.

Fact in Supporting Finding

Cumulative Construction Impacts:

Compliance with SCAQMD rules and regulations, as well as the recommended mitigation measures, would reduce construction related impacts to a less than significant level. Thus, it can be reasonably inferred that the Project-related construction activities, in combination with those from other projects in the area, would not substantially deteriorate the local air quality. Thus, a less than significant impact would occur in this regard.

Cumulative Long-term Operational Impacts:

Adherence to SCAQMD rules and regulations would help to alleviate potential impacts related to cumulative conditions. Emission reduction technology, strategies, and plans are constantly being developed. According to Impact Statement 5.2.3.2, *Operations Related Impacts*, the proposed Project would not exceed the SCAQMD's thresholds of significance for regional criteria pollutants. Therefore, cumulative operational impacts associated with the proposed operation of the Project would be less than significant.

BIOLOGICAL RESOURCES

Finding

The Project would not significantly increase the cumulative impacts on the marine environment.

Facts in Support of Finding

The proposed Project could result in possible cumulative ecological effects from the proposed Project on marine resources in the vicinity of the Temporary Facility and the open marine environment, when considered with other projects proposed in the region. The proposed Project would not increase impingement, and would have a nominal, temporary entrainment effect, which is not individually significant, and would be further reduced through the passive wedgewire screen system. Additionally, ocean water discharge would not affect salinity or temperature of the receiving waters, especially when considered cumulatively with other similar existing and future projects. Although similar desalination projects are proposed in the general region of the Project, such projects would be required to conform to Federal, State and local permitting and discharge requirements. As such, the proposed Project is therefore not anticipated to contribute to a "cumulatively considerable" impact on marine biological resources. Also, sharing of common ocean water intake and discharge facilities will minimize marine impacts related to the construction and operation of a new ocean water intake and discharge system. Finally, to ensure that the beneficial uses of the receiving water are maintained, the Project would need to obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit for the discharge. The Los Angeles Regional Water Quality Control Board would determine the NPDES permit requirements. Therefore, increased cumulative impacts on the marine environment are found to be less than significant.

GEOLOGY, SOILS, AND SEISMICITY

Finding

The proposed Project is not anticipated to significantly increase the cumulative impacts on geology, soils, and seismicity.

Facts in Support of Finding

The construction and operation of the proposed Project would require minor amounts of soil excavation and site preparation. Existing geologic and soils hazards that have been identified can be mitigated to less than significant levels through the implementation of standard engineering practices, Project design features, and mitigation measures noted in Section 5.4 of the DEIR. The Project will not expose substantial numbers of people to geologic hazards, and the facility itself will be temporary. The Project does not have unavoidable significant impacts with respect to geology, soils and seismicity, nor does it represent a "cumulatively considerable" impact. Therefore, the Project's contribution to cumulative impacts in this regard is considered less than significant.

LAND USE AND RELEVANT PLANNING

Finding

The proposed Temporary Facility would not result in cumulative land use or relevant planning impacts in conjunction with other projects in the proposed Temporary Facility site area.

Facts in Support of Finding

The proposed Project is not considered to represent a significant cumulative land use or relevant planning impact, as the Project is consistent with the City of Redondo Beach General Plan, Coastal Land Use Plan, Zoning Ordinance, and the Harbor/Civic Center Specific Plan. These broad-based plans have been developed to ensure that future development in the surrounding area results in compatible land uses, and use that reflect the coastal and civic characteristics of the area. Mitigation of cumulative land use impacts is best accomplished by area-wide mitigation programs, conforming to the adopted zoning, General Plan designations and zoning, and implementing Project-specific mitigation measures where appropriate. Potential cumulative land use impacts are determined to be less than significant.

NOISE AND VIBRATION

Finding

The proposed Project would not increase the ambient noise and vibration levels within the Project area.

Facts in Support of Finding

The Project's construction-level and operational noise impacts have been determined to be less than significant, with incorporation of Project Design Features and recommended mitigation measures. On a cumulative level, other construction projects and continued Harbor development is likely to result in periodic noise level increases, and a slight increase in overall ambient noise levels, particularly along major arterials serving the Harbor area (including North Harbor Drive, Herondo Street, and Pacific Coast Highway). This cumulative impact is best addressed through ensuring consistency with relevant land use plans, and mitigating project-level stationary and mobile sources on a case-by-case basis. As the Project's impacts are not significant after mitigation, and considering its relatively small scale and temporary nature, the Project does not represent a "cumulatively considerable" contribution to cumulative impacts. Thus, cumulative noise impacts regarding an increase in the ambient noise and vibration levels within the Project area are considered less than significant.

PUBLIC HEALTH AND SAFETY

Finding

Operation of the proposed Project would not potentially result in significant long-term cumulative impacts from hazards or hazardous materials.

Facts in Support of Finding

The cumulative impacts analysis for hazards and hazardous materials considered the area surrounding the proposed Temporary Facility, and the existing transport of hazardous materials on local streets, highways, and railways. On a cumulative basis, project sites that are constrained due to site contamination would require remediation on a case-by-case basis, in accordance with applicable health and safety regulations. The proposed Project may have local impacts in regards to hazards and hazardous materials through various chemicals associated with plant operations. However, all hazardous materials would be used, stored, and transported

according to OSHA Standards Guidelines (Hazardous Waste Operations and Emergency Response Standard, Title 29 Code of Federal Regulations (CFR) Part 1910.120), as well as the Department of Toxic Substances Control (DTSC). Unless specifically exempted, hazardous waste transporters must comply with the California Highway Patrol Regulations; the California State Fire Marshal Regulations; and the United States Department of Transportation Regulations. In addition, hazardous waste transporters must comply with Division 20, Chapter 6.5, Article 6 and 13 of the California Health and Safety Code and the Title 22, Division 4.5, Chapter 13, of the California Code of Regulations, which are administered by DTSC¹, and any other applicable local, state, and Federal regulations. All of these Regulations are designed to minimize the danger of hazardous materials being released and causing a significant hazard to the public or the environment. The Project would not contribute to cumulative considerable increases in hazards or hazardous materials, and cumulative impacts resulting from hazards and hazardous materials are not considered to be significant.

TRAFFIC AND CIRCULATION

Finding

Implementation of the proposed Temporary Facility would not cumulatively exceed a level of service standard established by the County congestion management agency for designated roads or highways potentially that will result in significant cumulative impacts related to traffic and circulation.

Facts in Support of Finding

The proposed Project is located within an urban area. Development within the Project area generally occurs in the form of redevelopment, as the majority of surrounding lands are built-out. Development projects considered in the cumulative analysis that may contribute to cumulative impacts, when considered with the Proposed Project, are listed in Section 2.0 of the DEIR.

As discussed above, the Project will not result in any significant traffic or circulation impacts, and its contribution toward cumulative impacts is not "cumulatively considerable", as the Project will cease operation within a few years, well before the surrounding area completes its build out and redevelopment process. The City of Redondo Beach prepared its Heart of the City Specific Plan EIR and subsequent Harbor Rezoning Initial Study, and the proposed Temporary Facility falls well within the scope of cumulative development evaluated in that EIR. In addition, the proposed Project would not interfere or conflict with any transportation plans for the future of the regional roadway system. Construction of the Temporary Facility would not require significant improvements to the existing circulation system, nor would it result in traffic generation that would adversely affect LOS along affected roadways. Construction or operation of the proposed Project would not interfere with any adopted or future long-range regional or local transportation policies, plans, or programs. The Project would not conflict with SCAG's RTP which provides regional planning measures to address future cumulative traffic impacts, and includes the City of Redondo Beach. The RTP provides strategies and policies to manage and improve the regional transportation system for the long-term. As such, the Project would not exceed a LOS standard established by the County congestion management agency for designated roads or highways that would result in significant cumulative impacts related to traffic and circulation.

Future development projects within the region may potentially result in degraded LOS conditions on local roadways within the City of Redondo Beach or surrounding communities; however, all future development projects would require project-level CEQA review, including analysis of

¹ Ibid.

potential cumulative traffic impacts and consideration of mitigation measures to reduce such impacts. As stated above, no significant and unmitigated traffic impacts are anticipated with the proposed Project as a result of construction activities or ongoing long-term operation of the facilities.

WATER QUALITY

Finding

The proposed Project would not result in significant cumulative impacts related to water quality, since all future developments are required to conform to applicable State and Federal water quality standards and waste discharge requirements. Therefore, cumulative impacts regarding water quality standards and waste discharge are considered to be less than significant.

Facts in Support of Finding

Development of the proposed Project, along with other projects in the same watershed, could result in significant cumulative impacts to water quality from increased runoff. The construction of these projects would increase the potential for erosion from exposed soils that, in turn, would contribute to sediment-laden runoff into local drainage courses. Subsequent deposition of sediments into local water bodies can increase turbidity, clog waterway, and degrade aquatic habitat. However, the proposed Project, along with other future development, would be required to conform to all applicable State and Federal water quality standards and waste discharge requirements. In addition, the Project does not represent an individually significant water quality impact, will operate only temporarily, will meet all applicable water quality standards, and is not otherwise a "cumulatively considerable" contribution to cumulative water quality impacts. Therefore, the potential for cumulative impacts are considered to be less than significant.

7.0 FINDINGS REGARDING PROJECT ALTERNATIVES

Pursuant to Public Resources Code Section 21002 and the CEQA Guidelines Section 15126.6(a), an EIR must assess a reasonable range of alternatives to the project action or location.

- (a) Section 15126.6(a) places emphasis on focusing the discussion on alternatives which provide opportunities for eliminating any significant adverse environmental impacts, or reducing them to a level of insignificance, even if these alternative would impede to some degree the attainment of the project objectives, or would be more costly. In this regard, the EIR must identify an environmentally superior alternative among the other alternatives.
- (b) As with cumulative impacts, the discussion of alternatives is governed by the "rule of reason".
- (c) The EIR need not consider an alternative whose effect cannot be reasonably ascertained, or does not contribute to an informed decision-making and public participation process.

The range of alternatives is defined by those alternatives, which could feasibly attain the objectives of the project.

As directed in CEQA Guidelines Section 15126.6(c), an EIR shall include alternatives to the project that could feasibly accomplish most of the basic objectives of the project. The primary objectives of the project, as stated within the Final EIR, are to:

- 1) Implement a subsurface pilot program to evaluate subsurface intake feasibility, without adversely affecting the marine environment;
- 2) Investigate feasibility of passive screening using wedgewire technology in an open ocean environment;
- 3) To the extent practical, utilize existing infrastructure to minimize adverse effects upon the environment;
- 4) Provide opportunities for public education, drawing upon synergy with SEALab;
- 5) Successfully demonstrate full-scale reverse osmosis equipment;
- 6) Test various pretreatment options;
- 7) Conduct raw and finished water quality and salinity tests;
- 8) During Temporary Facility construction and operation, minimize adverse effects upon SEALab and AES operations; and
- 9) Following Temporary Facility decommissioning, ensure that the SEALab site is left with a functional pumphouse building that will serve as an asset to SEALab.

As directed in CEQA Guidelines Section 15126.6(c), an EIR shall include alternatives to the project that could avoid or substantially reduce one or more of the significant effects

Typically, where a project causes significant impacts and an EIR is prepared, the findings must discuss not only how mitigation can address the potentially significant impacts but whether Project alternatives can address potentially significant impacts. But where all significant impacts can be substantially lessened, in this case to a less-than-significant level, solely by adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility that Project alternatives might reduce an impact, even if the alternative would mitigate the impact to a greater degree than the proposed Project, as mitigated.

Because not all significant effects can be substantially reduced to a less-than-significant level either by adoption of mitigation measures or by standard conditions of approval, the following section considers the feasibility of the Project alternatives as compared to the proposed Project.

As explained below, these findings describe and reject, for reasons documented in the FEIR and summarized below, each one of the Project alternatives. The evidence supporting these findings is presented in Section 7 of the Draft EIR.

"No Project" Alternative

None of the direct impacts associated with the construction and operation of the proposed Temporary Desalination Demonstration Facility (Temporary Facility) would occur if the "No Project" alternative was selected. Implementation of this alternative would leave the existing Science, Education, and Adventure Lab (SEALab) pumphouse and adjacent uncovered area in their existing state. The physical and environmental impacts associated with the proposed Project would not occur. Existing aesthetic, geologic, water quality, and biological conditions in the area would remain the same. Air quality, noise, traffic and other impacts due to Project construction would not occur with the "No Project" Alternative.

The "No Project" alternative is not presently being considered because it fails to meet any of the proposed Project's objectives. The Project is a necessary step in testing the feasibility of ocean desalination as a long-term, reliable local water supply source for the District. This alternative would delay development of a balanced water supply portfolio, and may subject the District and its member agencies to increased reliability upon imported water and vulnerability during potential future water supply shortages. The "No Project" Alternative would conflict with

numerous local and regional water supply planning studies that identify the need for testing and development of ocean desalination as a component of a balanced water supply portfolio. These studies include adopted plans by the District and the Metropolitan Water District of Southern California (MWD), such as the District's *Urban Water Management Plan* and MWD's *Integrated Resources Plan*.

Because the "No Project" alternative does not accomplish the Project's objectives, no further environmental analysis is required.

"Alternative Site" Alternative

The "Alternative Site" alternative would place the Project site at a location other than SEALab. There are several sites in the District service area that may be suitable for the placement of a temporary desalination demonstration project. As part of the preliminary design process, the District initially evaluated potential sites in El Segundo, and at the AES RBGS site. It should be noted that, since the SEALab site is absent any unique environmental resources, and the temporary effects of construction and operational effects would be similar, these two alternative sites would not avoid impacts to sensitive environmental resources. In addition, similar to SEALab, each of these two sites has nearby sensitive receptors, and would also therefore not avoid the project's temporary effects upon sensitive receptors (air emissions, noise, traffic, visual).

NRG El Segundo:

The NRG El Segundo site is a 43-acre, 1,020 MW gas-fired facility located along the shoreline in the southwest portion of the City of El Segundo. The District's existing desalination pilot plant is located on this property. The District evaluated several potential locations at NRG (see Figure 7-1, *NRG El Segundo Alternative Sites*). Two potential sites are located near the current pilot plant; however, these sites are not viable due to pending NRG repowering activities, anticipated to commence this Fall (the two sites would be in the midst of demolition and construction areas, would interfere with NRG construction activities, and would have limited access during construction). The third potential site is within the "South Tank Farm" portion of NRG's property, located north of 45th Street, and west of Vista Del Mar, bordering the City of Manhattan Beach. This site is adjacent to Dockweiler State Beach, and the Manhattan Beach residential area is immediately across from the site, on the south side of 45th Street. Although this site would be convenient for a number of reasons (closer to the District's El Segundo water recycling facility, familiarity with NRG site and staff due to pilot plant operations, abundance of water quality data due to pilot plant operations), the site is not considered feasible. NRG has indicated that the site is not available, due to NRG's plans to utilize the site during repowering of the two older units, for a construction staging, parking and laydown area. As the completion of this construction and site availability remains uncertain and the District was unable to secure an agreement to utilize the South Tank Farm area for the temporary demonstration project, the District initiated a search for an alternative site.

Even if an agreement could be reached, this site has significant limitations for development as a temporary demonstration project. First, the site has significant access limitations, in that access via 45th Street is constrained by NRG's proposed berm and Manhattan Beach's desire to avoid additional traffic on this residential street, access via Vista Del Mar would require significant grading due to the drop in elevation from Vista Del Mar to the tank farm site, and access through NRG's main gate would represent various logistical challenges due to the security

conditions present at the NRG facility. In addition to access constraints, this site would require remediation of the South Tank Farm, which is known to contain petroleum contaminants. Utilization of NRG's cooling water for demonstration facility purposes would require construction of an extensive network of pipelines to connect NRG's cooling water intake system and discharge tunnels with the South Tank Farm area (a distance of over 900 feet, requiring traversing across the NRG property, with uncertain utility constraints). Construction of these intake/discharge connections would either require above-ground pipelines that would likely pose access and/or operational constraints for NRG and/or the District, or would require subsurface pipelines, that may expose contaminated soil or groundwater. Finally, in contrast to SEALab's facility which is surrounded by a perimeter wall and provides screening from the pumphouse building, this site would be visible from the adjacent State Beach and bike trail, and facilities may be visible from Vista Del Mar and Manhattan Beach.

The El Segundo site is therefore presently not under consideration by the District.

AES Tank Site:

The AES Tank Site is an existing industrial site located at the Redondo Beach Generating Station within the City's Harbor/Civic Center Specific Plan and "Heart of the City" Specific Plan, adjacent to King Harbor in the City of Redondo Beach (refer to Exhibit 7-2, *AES Tank Farm Site*). The site has residential uses along two sides, and also is known to have petroleum contamination. Similar to the El Segundo site, the AES Tank Site alternative would require additional construction and site improvements because the tank pad is currently empty, as well as additional pipeline constructions for the transport of source water to and from the facility. The AES Tank Site is also not screened from adjacent areas, and does not have the benefit of existing infrastructure as does the SEALab site.

The AES Tank Site is therefore presently not under consideration by the District.

"Reduced Capacity" Alternative

Although not suggested by any party during the NOP comment period or the public scoping process, the District could conceivably construct a reduced scale demonstration facility. However, the 580,000 GPD facility represents the smallest size facility desirable, in order to accomplish the project objectives. A reduced capacity alternative would not avoid any of the project's significant impacts. It should also be noted that the District has already reduced the temporary facility's size, from an originally planned 1,100,000 GPD facility (as originally discussed with regulatory agencies during February 2007 pre-application meetings). A reduced capacity alternative would still require pumphouse improvements, ocean intake modification, ocean intake pump station modification, and construction of a "South Yard Equipment Area". Although there would be a slight reduction in the number or size of various process components, the overall canopy height would be the same (although possibly a smaller horizontal footprint), and the peak noise levels would be similar (the pumps and compressors could possibly be smaller with a reduced scale alternative, a similar number of pumps and compressors would be required, and their respective peak noise levels would be similar, although perhaps slightly reduced). Furthermore, considering the relatively substantial financial investment being made in site improvements (over \$10 million), it is important that the facility have sufficient size, capacity and flexibility to justify the investment. Therefore, the reduced capacity alternative is not presently being considered by the District.

"Alternative Intake" Alternative

One of the Project objectives is to evaluate the feasibility of a subsurface intake system. In developing this concept, the District considered constructing a seabed infiltration gallery "pilot" on the ocean floor, conceptually envisioned to involve a sand/media filter box placed on the ocean floor, rather than excavating the seafloor, due to the cost and impact of seafloor excavation. However, this alternative was rejected due to the substantially greater cost, permitting requirements, and environmental impacts, and in consideration that the subsurface intake pilot would have a limited lifespan of only two years. The District also considered constructing a temporary ocean intake and wedgewire system by running a new PVC pipe along the King Harbor breakwater, and then along the ocean floor out a short distance from the breakwater. This would have allowed the wedgewire to operate independently of the existing AES intake. However, as with the seabed infiltration gallery pilot, this concept was not pursued due to substantially greater cost, permitting requirements, and environmental impacts. The proposed Project accomplishes the Project objectives with less cost, permitting complexity and environmental impacts than either of these alternatives. Therefore, these alternative intake options are not being pursued by the District.

Environmentally Superior Alternative

CEQA requires the identification of an "environmentally superior" alternative to the proposed Project (Section 15126). None of the alternatives described above, besides the "No Project" alternative, are considered "environmentally superior" to the proposed Project. However, if the "No Project" alternative is identified as environmentally superior, CEQA requires that the EIR identify the environmentally superior alternative among the other alternatives. In compliance with CEQA, the "Reduced Capacity" Alternative is identified as the environmentally superior alternative to the proposed Project, since some impacts would be slightly reduced in comparison to the proposed Project.

8.0 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 15093 of the CEQA Guidelines, decision-makers are required to balance the benefits of a project against its unavoidable environmental risks in determining whether to approve a project. In the event the benefits of a project outweigh the unavoidable adverse effects, the adverse environmental effects may be considered "acceptable". The CEQA Guidelines require that, when a public agency allows for the occurrence of significant effects which are identified within the Final EIR but are not at least substantially mitigated, the agency shall seek in writing the specific reasons the action was supported. Any statement of overriding considerations should be included in the record of project approval and should be mentioned in the Notice of Determination.

As set forth in the preceding sections, the Project would result in one significant and unavoidable impact:

- Project construction and implementation could potentially expose structures and/or people to impacts involving seismic motion, and thus, liquefaction.

Despite this impact, West Basin Municipal Water District (District) can choose to approve the Project, as mitigated. To do so, the District must first adopt this Statement of Overriding Considerations.

Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a Court were to conclude that not every reason is supported by substantial evidence, the District would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding Findings, which are incorporated by reference, and in the Project's administrative record and associated documents, including the Final EIR and associated technical studies.

It is important to note that all potentially significant impacts have been reduced to less than significant levels, with the exception of the potential for seismic-induced liquefaction, during which structural damage could occur to the South Yard Equipment Area (as described in DEIR Section 5.4). In addition, the District finds that the Project would have the following economic, social, or other benefits:

- 1) Implement a subsurface pilot program to evaluate subsurface intake feasibility, without adversely affecting the marine environment;
- 2) Investigate feasibility of passive screening using wedgewire technology in an open ocean environment;
- 3) Provide opportunities for public education, drawing upon synergy with SEALab;
- 4) Successfully demonstrate full-scale reverse osmosis equipment;
- 5) Test various pretreatment options;
- 6) Conduct raw and finished water quality and salinity tests;
- 7) Following Temporary Facility decommissioning, ensure that the SEALab site is left with a functional pumphouse building that will serve as an asset to SEALab.

For each and all of these reasons, the District finds that, on balance, the benefits of the Temporary Ocean Water Desalination Demonstration Project outweigh the unavoidable environmental risk. The District notes that the remaining significant unavoidable environmental effect is temporary and will not persist beyond the temporary nature of the Project's term. The economic, technological, and social benefits of the proposed Temporary Ocean Water Desalination Demonstration facility will extend for decades into the future, however. Therefore, the level of environmental risk of the Project is considered to be acceptable, given the importance of this Project to the overall human benefit of future water supply.