

Appendix B. NOP Comments

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From: [Ana Straabe](#)
To: [William Halligan](#)
Cc: [Jacob Peterson](#)
Subject: FW: [EXTERNAL] Initial Study OC Riverwalk
Date: Tuesday, April 18, 2023 6:49:56 AM

FYI

Ana Straabe
Principal Project Planner

Community Services Department | Parks Division
200 South Anaheim Boulevard | Suite 433
Anaheim, CA 92805
Office (714) 765-4463

PARKS DIVISION MISSION STATEMENT: To enrich the quality of life of individuals, families, and the community by providing excellent parks, trails, and recreational facilities through outstanding customer service, sustainable environmental practices, and strong employee development and commitment.

From: Friedman, Matthew L@DOT <matthew.friedman@dot.ca.gov>
Sent: Monday, April 17, 2023 4:33 PM
To: Ana Straabe <AStraabe@anaheim.net>
Cc: Martinez, Tiffany@DOT <Tiffany.Martinez@dot.ca.gov>
Subject: [EXTERNAL] Initial Study OC Riverwalk

Warning: This email originated from outside the City of Anaheim. Do not click links or open attachments unless you recognize the sender and are expecting the message.

Dear Principal Project Planner Straabe,

The Office of Aviation Planning in the Caltrans Division of Aeronautics has reviewed the Initial Study for the OC Riverwalk Project.

The Division notes and commends the inclusion of referring to airport land use plans including documents related to Fullerton Airport and determining the project distance of 10.5 miles from Fullerton Airport [places it outside the airport influence area. The consideration of project impacts on airports or the presence of impacts of airports on proposed projects is an important element of evaluation.

The Division wishes the City of Anaheim success in completion of the OC Riverwalk project.

Matt Friedman, MRP, MAHL, DDiv (Hon)
Chief, Office of Aviation Planning
Division of Aeronautics

Caltrans
1120 N St.
Sacramento, CA 95814
(916)521-4743

California Department of Transportation

DISTRICT 12
1750 East 4th Street, Suite 100 | SANTA ANA, CA 92705
(657) 328-6000 | FAX (657) 328-6522 TTY 711
<https://dot.ca.gov/caltrans-near-me/district-12>



April 20, 2023

Ana Straabe
City of Anaheim
200 South Anaheim Boulevard
Anaheim, CA 92805

File: IGR/CEQA
SCH# 2023030639
LDR LOG #2023-02250
SR-57

Dear Ms. Straabe

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation for a Draft EIR for the OC River Walk Project. The OC River Walk project consists of various multi-purpose improvements that have been identified to transform the Santa Ana River (SAR) corridor through various multi-purpose improvement opportunities. The OC River Walk project site is located within the SAR between the Ball Road and Orangewood Avenue bridge crossings, a 450-foot wide by 9,000-foot-long area (approx. 90 acres and 2 miles) adjacent to Angel Stadium, ARTIC, and the Honda Center. The Honda Center has been selected as the 2028 Summer Olympics indoor volleyball venue, providing an incentive to improve infrastructure and accommodations for the surrounding area to facilitate tourist recreational activities. Additionally, the proposed development around the Honda Center (ocV!BE) and Angel Stadium (The Big A: 2050) will introduce additional residents and attract more local visitors and tourists. These ongoing development activities will further activate the existing recreational areas, pedestrian foot traffic, and bikeways in the vicinity. The nearest state facility to the project site is State Route 57 (SR-57).

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Caltrans is a responsible agency on this project and has the following comments:

System Planning

1. Consider incorporating bicycle parking if there are opportunities to do so. Caltrans supports the inclusion of bicycle storage facilities pursuant to CALGreen code. Caltrans also recommends following bicycle parking best practices described in the "Essentials of Bike Parking" guide created by the Association of Pedestrian and Bicycle Professionals (link to online PDF: <https://www.apbp.org/Publications>). Bike parking should be installed a minimum of 24" away from walls and other objects (e.g., trash cans, plants, etc.). With the growing popularity of electric bikes and cargo/utility bikes (which tend to be

bigger and heavier), Caltrans also recommends that bicycle storage facilities be designed to accommodate a range of bicycle styles, sizes, and weights.

2. Continue to incorporate Complete Streets in project development, including connections to existing and proposed active transportation facilities in the project vicinity. Caltrans supports the design of Complete Streets that include high-quality pedestrian, bicycle, and transit facilities that are safe and comfortable for users of all ages and abilities. Improvements may include providing secure bicycle parking, pedestrian-oriented LED lighting, wayfinding signage, and comfortable connections to nearby active transportation and/or transit facilities. Complete Streets improvements also promote regional connectivity, improve air quality, reduce congestion, promote improved first-/last-mile connections, and increase safety for all modes of transportation.

Equity

3. The Department firmly embraces racial equity, inclusion, and diversity. These values are foundational to achieving our vision of a cleaner, safer, and more accessible and more connected transportation system.
4. Considering the need for equitable access to amenities and resources, please consider referencing the City's own General plan Environmental Justice (EJ) Element that is in development. The Element discusses EJ goals and policies for accessibility to public facilities, safety, recreation, and green space. Ensure that residents and visitors from all socioeconomic backgrounds can access the new facilities in development of the OC River Walk.

Encroachment Permit

5. Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. Prior to submitting to Caltrans Permit's branch, applicant should fill out Applicant's Checklist to Determine Applicable Review Process (QMAP List) Form TR-0416 to determine if project oversight/coordination with Caltrans Project Manager is needed. Applicant must submit a signed Standard Encroachment Permit application form TR-0100 along with a deposit payable to Caltrans. Deposit amount will be dependent on when the application is submitted. Public corporations are legally exempt from encroachment permit fees. Please note that all utility work should

be disclosed prior to permit submittal, and utility companies are to apply for separate permits for their corresponding work.

6. Project plans and traffic control plans must be stamped and signed by a licensed engineer. For all plans, including traffic control plans, Caltrans R/W lines should be clearly labeled, which includes existing and proposed (if there are any changes to Caltrans R/W), the north arrow, the edge of pavement, and edge of the sidewalk, if applicable. When submitting the application, please include final Environmental Clearance Documentation, relevant design details including design exception approvals and construction and drainage plans, traffic control plans, traffic management plan and traffic impact study if proposed traffic delay of 30 minutes above normal recurring traffic delay is anticipated, any Caltrans R/W certifications if needed, maintenance agreement as needed, shoring plans for any excavation 5-feet or more, ADA certification, and any letter of authorizations.
7. Please submit all applications and associated documents/plans via email to D12.Permits@dot.ca.gov until further notice. Caltrans Encroachment Permits will be transitioning to an online web portal base for all applications in Fall 2023. Further details to be announced on the Caltrans Encroachment Permits homepage. Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (657) 328-6246. For specific details on Caltrans Encroachment Permits procedure and any future updates regarding the application process and permit rates, please visit the Caltrans Encroachment Permits homepage at <https://dot.ca.gov/programs/traffic-operations/ep>.

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Maryam Molavi, at Maryam.Molavi@dot.ca.gov.

Sincerely,



Scott Shelley
Branch Chief, Regional-LDR-Transit Planning
District 12

From: [Ana Straabe](#)
To: [William Halligan](#)
Cc: [Jose Jimenez](#); [Jacob Peterson](#); [Mark Krebs](#)
Subject: FW: [EXTERNAL] DEIR for OC River Walk Project
Date: Monday, April 24, 2023 10:47:20 AM

Aloha & FYI

Ana Straabe
Principal Project Planner

Community Services Department | Parks Division
200 South Anaheim Boulevard | Suite 433
Anaheim, CA 92805
Office (714) 765-4463

PARKS DIVISION MISSION STATEMENT: To enrich the quality of life of individuals, families, and the community by providing excellent parks, trails, and recreational facilities through outstanding customer service, sustainable environmental practices, and strong employee development and commitment.

From: Chris Schaefer <Chris.Schaefer@cityoffullerton.com>
Sent: Monday, April 24, 2023 10:04 AM
To: Ana Straabe <AStraabe@anaheim.net>
Subject: [EXTERNAL] DEIR for OC River Walk Project

Warning: This email originated from outside the City of Anaheim. Do not click links or open attachments unless you recognize the sender and are expecting the message.

Hi Ana,
Staff has reviewed the proposed DEIR for the OC River Walk Project and has no comment. Best wishes on the project.
Chris

Chris Schaefer, AICP
Planning Manager
City of Fullerton
303 W. Commonwealth Avenue, Fullerton, CA 92832
714-738-6884
chris.schaefer@cityoffullerton.com

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April 24, 2023

Ana Straabe, Principal Project Planner
City of Anaheim
Community Services Department, Parks Division
200 S. Anaheim Boulevard, Suite 433
Anaheim, CA 92805

Subject: Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting for the OC River Walk Project

Dear Ana Straabe:

Staff is in receipt of the Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting for the OC River Walk Project within the City of Anaheim. The project proposes various multi-purpose improvement opportunities as part of an effort to transform the Santa Ana River corridor and portions of the existing Santa Ana River Trail (SART) into a primary connective open space.

Staff has no comments. If you have any questions, please contact me at tilin@cityofirvine.org or 949-724-6361.

Sincerely,

Tiffany Lin
Associate Planner

cc: Marika Poynter, Manager of Planning Services

From: [Chad Ortlieb](#)
To: [William Halligan](#); astrabe@anaheim.net
Subject: RE: OC River Walk NOP
Date: Tuesday, April 4, 2023 1:54:41 PM
Attachments: [image002.png](#)
[image003.png](#)

Hi Bill and Ana,

The City of Orange has no comments or questions for the OC River Walk NOP at this time.

Thank you,

Chad Ortlieb
Principal Planner
City of Orange
(714) 744-7237





NATIVE AMERICAN HERITAGE COMMISSION

March 20, 2023

Ana Straabe
City of Anaheim
200 South Anaheim Boulevard
City of Anaheim, CA 92805

Re: 2023030639, OC River Walk Project, Orange County

Dear Ms. Straabe:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

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Laura Miranda
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nahc@nahc.ca.gov
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AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. 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.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

From: [Ana Straabe](#)
To: [William Halligan](#)
Cc: [Jacob Peterson](#); [Mark Krebs](#)
Subject: FW: [EXTERNAL] CEQA NOP for OC River Walk Project
Date: Monday, April 17, 2023 2:16:41 PM
Attachments: [ocwdlogo_bc01930d-069a-4b8c-ab6b-cd69b8dbb231.png](#)
[template05_sm_twitter_1ec5fca1-3c01-4a7c-9061-1608511af66e11111.png](#)

FYI

Ana Straabe
Principal Project Planner

Community Services Department | Parks Division
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PARKS DIVISION MISSION STATEMENT: To enrich the quality of life of individuals, families, and the community by providing excellent parks, trails, and recreational facilities through outstanding customer service, sustainable environmental practices, and strong employee development and commitment.

From: Dadakis, Jason <JDadakis@ocwd.com>
Sent: Monday, April 17, 2023 10:51 AM
To: Jose Jimenez <JJimenez@anaheim.net>
Cc: mkrebs@pacewater.com; Ana Straabe <AStraabe@anaheim.net>; O'Toole, Kevin <kotoole@ocwd.com>; Nevill, Shawn <snevill@ocwd.com>; Kennedy, John <jkennedy@ocwd.com>; Olsen, Chris <colsen@ocwd.com>
Subject: [EXTERNAL] CEQA NOP for OC River Walk Project

Warning: This email originated from outside the City of Anaheim. Do not click links or open attachments unless you recognize the sender and are expecting the message.

Hi JJ,

We met previously last October at a kickoff meeting for the OC River Walk Project held at ARTIC with staff from Anaheim, your consultants, and OCWD.

OCWD staff noticed that the [CEQA NOP for the project was posted](#) late last month and that comments are due next Monday, April 24. We've noticed that the NOP didn't include a few items of interest to OCWD.

1. **Conveyance Facilities.** There appears to be no discussion of conveyance facilities. NOP indicates "[t]he river impoundments would be designed to be filled with and infiltrate water from the adjacent GWRS pipeline (from the proposed Burris basin turnout structure)" (Section 1.4.1.2 on page 9). Our turnout to Burris would not convey flows directly to the SAR and we

have not done any CEQA to cover any facilities that would put water from Burris into the River. Currently, outflows can only occur through the culvert to Ball Road Basin.

2. **GWRS Water in SAR.** The CEQA for our Burris turnout project included a component that allowed some occasional, intermittent low volume maintenance activity-related flows of GWRS water into the SAR indirectly through upstream releases into the Carbon Diversion Channel (i.e., not from the Burris turnout itself, see #1) . To date, we have only studied the subsurface retention/travel time from the infiltration of recycled water in the SAR channel associated with the River Walk project. We have not otherwise studied the impacts, water quality or otherwise, of discharging GWRS water to the SAR in volumes, durations, and locations anticipated in the River Walk project. As mentioned at the October meeting, we would need to obtain a new NPDES discharge permit from the Santa Ana Regional Board to allow this new discharge of GWRS water to the SAR.
3. **Potential Corrosion.** Related to #3, we have experienced some corrosion of our concrete-mortar lined GWRS Pipeline between Fountain Valley and Anaheim, as well as our recharge basin discharge structures. We have had to repair this damage and begun a multi-phase effort to add an epoxy liner to our pipeline. Given that GWRS water would be in contact with the concrete-lined SAR flood control channel and related structures, as well as new project features such as the rubber dam, we believe that some assessment GWRS water quality compatibility with the project area/features needs to be undertaken.
4. **Algae control.** We experience regular algae growth at our shallow GWRS recharge basins in Anaheim. We suspect this is due to the low, but detectable, nutrient levels in the water as well as the clarity of the water allowing sunlight to penetrate. Will the River Walk project would seek to control/eliminate algae growth for aesthetic or other purposes? If so, any potential chemical addition, polishing treatment, or other modifications to GWRS water quality would need to be analyzed for impacts on groundwater quality after infiltration (see #2).
5. **Creation of new habitat.** Will the project's proposed water impoundment create new wildlife habitat and any associated new obligations for Anaheim and/or OCWD?

We understand that some of these items could be addressed outside of CEQA, but felt it was best to bring them to your attention at this time. If you and/or your project team could let us know how/if these issues will be addressed moving forward, we'd be most appreciative.

If you and/or your team would like to discuss any of these items, I'd recommend we setup a time this week for a virtual meeting.

Thanks,
Jason



Jason S. Dadakis, P.G., C.HG

Executive Director Water Quality and Technical Resources

Orange County Water District

18700 Ward Street, Fountain Valley, CA 92708

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April 20, 2023

Ana Straabe, Principal Project Planner
City of Anaheim, Community Services Department
200 South Anaheim Boulevard, Suite 433
Anaheim, California 92805
Phone: (714) 765-4463
E-mail: AStraabe@anaheim.net

**RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report
for the OC River Walk Project [SCAG NO. IGR10859]**

Dear Ana Straabe,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the OC River Walk Project ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is responsible for providing informational resources to regionally significant plans, projects, and programs per the California Environmental Quality Act (CEQA) to facilitate the consistency of these projects with SCAG's adopted regional plans, to be determined by the lead agencies.¹

Pursuant to Senate Bill (SB) 375, SCAG is the designated Regional Transportation Planning Agency under state law and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS). SCAG's feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals and align with RTP/SCS policies. Finally, SCAG is the authorized regional agency for Intergovernmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the OC River Walk Project in Orange County. The proposed project includes five major elements to improve the Santa Ana River corridor including river recharge, riverbank modifications, a new pedestrian/bicycle bridge, art and education, and trail extensions and expansions on a 90-acre site.

When available, please email environmental documentation to IGR@scag.ca.gov providing, at a minimum, the full public comment period for review.

If you have any questions regarding the attached comments, please contact the Intergovernmental Review (IGR) Program, attn.: Annaleigh Ekman, Senior Regional Planner, at (213) 630-1427 or IGR@scag.ca.gov. Thank you.

Sincerely,

Frank Wen, Ph.D.
Manager, Planning Strategy Department

¹ Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2020 RTP/SCS (Connect SoCal) for the purpose of determining consistency for CEQA.

**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
OC RIVER WALK PROJECT [SCAG NO. IGR10859]**

CONSISTENCY WITH CONNECT SOCIAL

SCAG provides informational resources to facilitate the consistency of the proposed project with the adopted 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with Connect SoCal.

CONNECT SOCIAL GOALS

The SCAG Regional Council fully adopted [Connect SoCal](#) in September 2020. Connect SoCal, also known as the 2020 – 2045 RTP/SCS, builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health. The goals included in Connect SoCal may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project. Among the relevant goals of Connect SoCal are the following:

SCAG CONNECT SOCIAL GOALS	
Goal #1:	<i>Encourage regional economic prosperity and global competitiveness</i>
Goal #2:	<i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>
Goal #3:	<i>Enhance the preservation, security, and resilience of the regional transportation system</i>
Goal #4:	<i>Increase person and goods movement and travel choices within the transportation system</i>
Goal #5:	<i>Reduce greenhouse gas emissions and improve air quality</i>
Goal #6:	<i>Support healthy and equitable communities</i>
Goal #7:	<i>Adapt to a changing climate and support an integrated regional development pattern and transportation network</i>
Goal #8:	<i>Leverage new transportation technologies and data-driven solutions that result in more efficient travel</i>
Goal #9:	<i>Encourage development of diverse housing types in areas that are supported by multiple transportation options</i>
Goal #10:	<i>Promote conservation of natural and agricultural lands and restoration of habitats</i>

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

SCAG CONNECT SOCIAL GOALS		
Goal		Analysis
Goal #1:	<i>Encourage regional economic prosperity and global competitiveness</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
Goal #2:	<i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
etc.		etc.

Connect SoCal Strategies

To achieve the goals of Connect SoCal, a wide range of land use and transportation strategies are included in the accompanying twenty (20) technical reports. Of particular note are multiple strategies included in Chapter 3 of Connect SoCal intended to support implementation of the regional Sustainable Communities Strategy (SCS) framed within the context of focusing growth near destinations and mobility options; promoting diverse housing choices; leveraging technology innovations; supporting implementation of sustainability policies; and promoting a Green Region. To view Connect SoCal and the accompanying technical reports, please visit the [Connect SoCal webpage](#). Connect SoCal builds upon the progress from previous RTP/SCS cycles and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that helps the SCAG region strive towards a more sustainable region, while meeting statutory requirements pertinent to RTP/SCSs. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

SCAG staff would like to call your attention to the [Water Action Resolution](#) unanimously adopted by SCAG's Regional Council on October 6, 2022 that formally affirmed the drought and water shortage emergency in Southern California and called on local and regional partners to join together to adopt an "all of the above" approach to addressing the region's water challenges and catalyzing opportunities. The Resolution calls on SCAG to take action and support partners to reduce water use; improve water conservation, reuse, and efficiency; enhance water systems' health and resilience; pursue and potentially implement new water supply and storage opportunities; and support investments in water infrastructure and conservation practices that support the region's economic and population growth and fosters planning for the region's housing needs.

DEMOGRAPHICS AND GROWTH FORECASTS

A key, formative step in projecting future population, households, and employment through 2045 for Connect SoCal was the generation of a forecast of regional and county level growth in collaboration with expert demographers and economists on Southern California. From there, jurisdictional level forecasts were ground-truthed by subregions and local agencies, which helped SCAG identify opportunities and barriers to future development. This forecast helps the region understand, in a very general sense, where we are expected to grow, and allows SCAG to focus attention on areas that are experiencing change and may have increased transportation needs. After a year-long engagement effort with all 197 jurisdictions one-on-one, 82 percent of SCAG's 197 jurisdictions provided feedback on the forecast of future growth for Connect SoCal. SCAG also sought feedback on potential sustainable growth strategies from a broad range of stakeholder groups – including local jurisdictions, county transportation commissions, other partner agencies, industry groups, community-based organizations, and the general public. Connect SoCal utilizes a bottom-up approach in that total projected growth for each jurisdiction reflects feedback received from jurisdiction staff, including city managers, community development/planning directors, and local staff. Growth at the neighborhood

level (i.e., transportation analysis zone (TAZ) reflects entitled projects and adheres to current general and specific plan maximum densities as conveyed by jurisdictions (except in cases where entitled projects and development agreements exceed these capacities as calculated by SCAG). Neighborhood level growth projections also feature strategies that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California's GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Connect SoCal's Forecasted Development Pattern is utilized for long range modeling purposes and does not supersede actions taken by elected bodies on future development, including entitlements and development agreements. SCAG does not have the authority to implement the plan -- neither through decisions about what type of development is built where, nor what transportation projects are ultimately built, as Connect SoCal is adopted at the jurisdictional level. Achieving a sustained regional outcome depends upon informed and intentional local action. To access jurisdictional level growth estimates and forecasts for years 2016 and 2045, please refer to the [Connect SoCal Demographics and Growth Forecast Technical Report](#). The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts				Adopted City of Anaheim Forecasts			
	Year 2020	Year 2030	Year 2035	Year 2045	Year 2020	Year 2030	Year 2035	Year 2045
Population	19,517,731	20,821,171	21,443,006	22,503,899	367,550	389,417	400,265	416,789
Households	6,333,458	6,902,821	7,170,110	7,633,451	105,927	110,666	114,472	122,701
Employment	8,695,427	9,303,627	9,566,384	10,048,822	200,992	220,681	230,637	250,544

MITIGATION MEASURES

SCAG staff recommends that you review the [Final Program Environmental Impact Report](#) (Final PEIR) for Connect SoCal for guidance, as appropriate. SCAG's Regional Council certified the PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on May 7, 2020 and also adopted a PEIR Addendum and amended the MMRP on September 3, 2020 (please see the [PEIR webpage](#) and scroll to the bottom of the page for the PEIR Addendum). The PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.



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Maintenance



OC Infrastructure
Programs



OC Survey

May 8, 2023

Ana Straabe

Principal Project Planner

City of Anaheim, Community Development Department, Parks

200 S. Anaheim Boulevard, Suite 433

Anaheim, California 92805

Subject: Notice of Preparation of a Draft Environmental Impact Report for the OC River Walk Project

Dear Ana Straabe,

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the OC River Walk Project (Project).

Since the primary function of the Santa Ana River Channel and its levees (collectively the Channel) is to provide flood protection to the residents of Orange County, any potential impacts to and other issues related to this Channel will be analyzed and evaluated during the review of the EIR and during the application for an encroachment permit from the Orange County Flood Control District (OCFCD). These would include, but not limited to the following: a) hydrology and hydraulics, b) structural design of the proposed channel improvements, c) proposed landscaping, d) scour study, e) proposed trail design, f) operation and maintenance of the Channel, g) ownership, operation, and maintenance of the proposed features, h) public safety, i) security within the project area, j) right-of-way acquisition, k) agreements among various agencies, such as the U.S. Army Corps of Engineers (USACE) Section 408 permit application, etc. Since the Project proposal has not sufficiently progressed in obtaining a Section 408 permit for the proposed improvements on the Channel, insufficient data is available to analyze the Initial Study. It is premature to sufficiently assess all impacts and would need to be addressed in an EIR to consider appropriate mitigation. OCFCD reserves the right to require additional analyses and assurances from the City of Anaheim (City) as project proponent to protect OCFCD and County of Orange (County) from increased fiscal obligations, liability, and risk, before committing to any of the Project proposals which rely upon use of OCFCD land and/or facilities or any County or OCFCD resources.

The comments and requirements herein are not all inclusive, additional requirements may be added during the encroachment permit review of detailed submittals.

The County review during the permit process is generally limited to the acceptability of the concept, and while all County requirements should be addressed during the final design of the project, the final design should generally adhere to the concept (i.e., no major deviations).

The County offers the following comments for your consideration.

OC Flood Programs/Floodplain Management:

Engineering:

1. Hydrology and Hydraulics – design standards will meet USACE and OCFCD criteria including levee design, vegetation, freeboard, etc. The Channel is designed to function and accommodate flows as part of the Santa Ana River Mainstem (SARM) system that includes Prado Dam, Prado Basin, Seven Oaks Dam and various dike features.
2. Impoundment of water must demonstrate no impact to local drainage and/or interior drainage to the surrounding areas during any storm events. Explain and address any effects of the impoundment on the Collins Channel (OCFCD Facility No. E07). This channel contains deficient segments that may require future improvements. The potential development should not worsen the existing conditions or shift flooding deficiencies to this channel. Similarly, please explain how these improvements would impact the Chantilly Storm Channel (OCFCD Facility No. E01S02). Further discussions are also needed for the proposed structures for urban storm water treatment and their effects on the functions of these flood control facilities.
3. Structural and Bridges – design standards will meet USACE and OCFCD criteria including freeboard, scour, debris, etc. Improvements and structures will need to withstand the velocity of the water from Prado Dam releases.

Construction:

1. Project will require OCFCD Encroachment, Section 408 and 404 Permits. Prior to OCFCD's participation in the Section 408 Permit process, the cities of Anaheim and Orange are required to enter into a cooperative agreement with OCFCD and OC Parks for the OC River Walk Project, which will be approved and executed by an authorized representative of the County of Orange Board of Supervisors.
2. Temporary Construction Easements needs to be identified and secured for the duration of the project.
3. A flood contingency plan will be required for review and approval by OCFCD and USACE.

Public Services Impacts:

1. The Project has features proposed within areas of the Channel that are owned by OCFCD and that are outside of public right-of-way. These areas are currently not publicly accessible due to concerns for safety, hazard prevention and public health. The Initial Study should mention that the public is not authorized to be on the Channel's grouted riprap currently, as it would be considered trespassing and hazardous.
2. The Initial Study also did not acknowledge the need to analyze the Project impacts on public services. Due to the Project increasing accessibility to the public on the Channel, it is appropriate for the EIR to analyze an increased reliance on local police and reflect that the respective cities' police forces will mitigate such impacts by perhaps increasing personnel, increasing patrols, improving lighting, taking efforts to prevent overnight encampments, perform debris and graffiti removal.

3. Similarly due to the Project increasing accessibility to the public on the Channel, it is appropriate for the EIR to analyze impacts to performance of flood control and protection activities. The existing Channel is currently eligible for Public Law 84-99 program coverage. When flood conditions exceed, or are predicted to exceed, the response capability of levee and drainage districts and local or state governments, the USACE has the authority under Public Law 84-99 to provide emergency flood response assistance without further specific authorization of Congress. The USACE can furnish assistance for flood emergency preparation, flood fighting, and the repair and restoration of certain flood damage reduction projects damaged or destroyed by flood. Assistance also includes providing flood fighting personnel for technical advice, sandbags, plastic sheeting, pumps, or other materials and equipment for an imminent or actual flood emergency to protect against substantial loss of life and property. The City will need to ensure that the Project will not change the Channel's Public Law 84-99 eligibility status and ensure that the City will be responsible for any flood control feature replacements not covered by PL 84-99.

Right of Way:

1. Permittee is required to identify ROW needed for the project construction phase and post construction, if any. The City will need to offer to purchase from OCFCD ROW necessary for the Project based upon a market appraisal, and acquire said rights, interest or authorizations to use of OCFCD land and/or facilities prior to commencing work for the Project on OCFCD land and/or facilities. Any ROW interest or use agreement with include terms for the City to be fully responsible for any increased fiscal obligations incurred by OCFCD or the County and shall include indemnification and hold harmless terms for City to assume all liability and risk associated with the Project. Each ROW document and agreement will include terms stating that the primary function of the Channel is flood control for SARM system that serves other counties upstream. As it may be found inappropriate for the Project to hinder receipt of water flows in a storm event, impacting communities all along the Channel, the EIR will need to show it is not offending basic water rights.
2. Any proposed bridges for the Project may require new bridge and highway easement(s) and/or other ROW agreement that the City would be responsible for the operation and maintenance of said bridge, including pier noses and footings, and that City will be responsible for any damages to flood features caused by the structure's presence in the Channel.

Operations & Maintenance:

1. The Santa Ana River's primary function is flood control; therefore, the permittee will be required to operate and maintain all functions of the OC River Walk components, including but not limited to, any levee bank modifications/benches, vegetation, trails, bridges, water impoundment features, lighting, access to and from trails, fencing, gates, etc.
2. Permittee is required to enter into a cooperative agreement with OCFCD and OC Parks and/or a Lease Agreement with OCFCD for the use of OC River Walk.
3. A flood contingency plan may be required to address water impoundment and unexpected release(s) from Prado Dam.

Environmental:

1. What are the environmental and hydrological impacts of multiple impoundments operating at same time?
2. Any and all resource agency or regulatory permits, agreements, or other instruments which may impact OCFCD must be approved prior by the Director of OC Public Works. City shall obtain reasonable and appropriate regulatory advance guidance on approved “safe harbor” performance allowable for all stages of the Project and when applicable, make earnest effort to facilitate agreements with specific regulatory agencies, such as a Lake or Streambed Alteration Agreement or California Endangered Species Act Incidental Take Permit, to safeguard District regarding liability issues for Channel operation and maintenance impacted by the Project.
3. Address any public health concerns regarding recreational use of the water in the Channel; include water quality and post-storm event procedures in an Operation and Maintenance Manual provided to OCFCD via encroachment permit for review and approval.
4. An assessment should be carried out to identify specific opportunities that can be incorporated into the Project to benefit wildlife and specifically wildlife that relies upon riverine and riparian conditions. For example, there are opportunities to: 1) include vegetated bioengineered solutions on the riverbank to encourage native vegetation rather than just reinforcing the slopes with hard engineering solutions. 2) provide better connectivity to adjacent basins to improve habitat for wildlife, 3) establish better quality in channel habitats at the upper limits of the proposed impoundments, as the water becomes shallow, potentially with a reduced need to entrain the river for recharge if greater recharge is occurring in the basins. The assessment should consider these and other habitat and environmental improvement opportunities. The LA River Master Plan is a good reference for identifying and incorporating multifunctional benefits into a development such as this.

River bank modifications:

1. There is a significant opportunity for this Project to enhance the biological diversity of the river and especially the river banks in a manner that is conducive with the wider aims of the Project. Section 1.4.1.2 only discusses hard engineering solutions for bank modifications. There is an opportunity to utilize both hard engineering solutions and soft bio-engineering solutions to create attractive riparian vegetated areas, provide habitat for wildlife and can help with water quality treatment.

Urban Stormwater Treatment:

1. Information on the urban stormwater treatment is vague. Is this in reference to an Irvine Ranch Water District San Joaquin Marsh style natural water treatment system? There is also the opportunity to utilize low impact development (LID) techniques to treat storm and dry weather runoff along and adjacent to the trail. There is also the potential to allow more native vegetation to grow in the channel itself outside of the impounded reaches. Vegetation can help to improve water quality, as well as providing habitat for wildlife and is visually appealing. If a Safe Harbor Agreement is established for this development any vegetation could be managed as needed for flood and other purposes without falling afoul of endangered species legislation.

5. Section 2.4.15 Public Services – Additional substantiation should be included to confirm fire and police services can maintain acceptable service ratios, response times or other performance objectives with the “influx of local community and tourists”.
6. Section 2.4.17 Transportation - The project should evaluate how the anticipated influx of local community and tourist will affect or interfere with an adopted emergency responses plan or emergency evacuation plan. In addition, the project description should include the anticipated number of trips for construction and operation generated by the Proposed Project. Specifically, the analysis should evaluate whether the number of existing off-street parking facilities can accommodate the anticipated influx of local community and tourist.

OC Environmental Resources:

1. Projects that, as part of a common plan of development, disturb 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 (and subsequent Order 2022-0057-DWQ) and implement a Storm Water Pollution Prevention Plan (SWPPP) and monitoring program consistent with permit requirements.
2. Specific mention should be made of whether the project qualifies as a *Priority Development Project* under the city’s municipal stormwater permit (Santa Ana Regional Board Order R8-2009-0030), or instead is a *Non-Priority Project* which would require preparation of a *Non-Priority Water Quality Project Plan*.
3. New development projects that create 10,000 square feet or more of impervious surface require the development of a Water Quality Management Plan (WQMP). Specific mention should be made of applicable city WQMP requirements for projects to comply with their municipal stormwater permits.
4. Specific mention should be made of the Orange County Stormwater Program’s Drainage Area Management Plan (DAMP). The DAMP is Orange County’s principal policy and program guidance document for stormwater management and includes a 2017 Technical Guidance Document to be followed in preparing the project’s WQMP.
5. Specific mention should be made of the potential water quality impacts from the Proposed Project and identification of the anticipated pollutants to be generated or mobilized by the project should be provided.
6. In collaboration with the Orange County Water District (OCWD) and the OC Sanitation District (OC San) efforts to minimize urban runoff impacts to Orange County waters, OC Public Works continues to research low-flow, dry-weather season diversion project opportunities. OC Public Works is participating in the OC San Urban Runoff Optimization Study, which will identify, evaluate, and develop additional urban runoff diversion opportunities. Should any potential sanitary sewer diversions be considered for the surrounding storm drains around the OC River Walk Project, a permit from OC San would be required along with coordination with the Orange County Stormwater Program’s Technical Advisory Committee (TAC), which is administered by OC Environmental Resources. Diverted urban flows that are discharged into the sanitary sewer system would also be counted towards the collective 10 million

gallons per day fee-waived allowance that is shared among the Orange County Permittees (County of Orange, Orange County Flood Control District (OCFCD), and cities). Other types of diversion projects, such as the Chantilly storm drain to Burris Basin, should also be coordinated with OC Public Works and potentially the Orange County Stormwater Program's Watershed Improvement Projects Subcommittee (WIPS) referenced in the project's engineering feasibility study.

7. The OC River Walk Project is supplied by treated water from the OCWD's Groundwater Replenishment System that will be discharged into the Santa Ana River. National Pollution Discharge Elimination System (NPDES) permitting is anticipated to be required from the Santa Ana Regional Water Quality Control Board such as through an individual NPDES permit or other *de minimis* discharge permit. The discharge operations for the project and associated NPDES permit should be coordinated with OCFCD through the encroachment permit, in addition to other impacted regulatory agencies.
8. The project should evaluate how large high-flow offsite discharges, such as an emergency response from a fire, sanitary sewer release, illegal discharge, or water main break, would be addressed in the surrounding drainages if diverted or cut off from the Santa Ana River. For example, a large-scale fire and multi-agency water pollution response event occurred in this reach of the Santa Ana River in February 2022.

OC Parks:

Trail and Adjacent Areas:

1. All costs and responsibilities for OC River Walk elements that are proposed on County property, including but not limited to planning, permitting, construction, operation, maintenance and public safety, shall be borne by the City, and be fully compatible with flood control requirements and subject to a land lease acceptable to and approved by the Orange County Board of Supervisors.
2. The term "alternative modes of transportation" is used throughout the document as something encouraged on the trails through the project area but is not defined. In the event this is intended to include motorized modes of transit such as e-bikes and e-scooters, it should be noted that on this portion of the trail system only Class 1 and 2 e-bikes are permitted.
3. The "Active (AT) Transportation" improvements described as it relates to the Santa Ana River Trail (SART) and other proposed trail segments is not well defined, so additional detail is needed, including defined conceptual development plans to identify/depict those improvements, to understand the impact of those improvements.
4. Additional detail is needed on which trail areas are proposed to be expanded to understand the level of physical impact that would occur within the trail areas, in order for the County to comment as it relates to our existing easements.
5. Additional detail is needed on the new pedestrian bridge identified that provides bike and pedestrian access across the river, as it is not clear how this bridge will interface with the existing trail locations.
6. Landscaping enhancement is identified as being a component of the project, but it is not clear what the enhancement will include and in what areas landscaping would be occurring as it is not defined in the

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plan. Additional detail regarding how the City will address this is needed for OC Parks to provide necessary feedback.

7. Placing the SART on the East levee South of Katella to Orangewood may cause concern for multiple agencies. The service road is heavily used by OC Public Works (OCPW), OC Flood Control District (OCFCD), OC Watershed, OC Sheriff, and other agencies and contractors that utilize the Collins Yard, the OCFCD Storage yard, the OCPW and OC Parks SART Storage facility, and the OC Sheriff Training Facility. The East side, due to its heavy utilization as a service road, generates concerns related to incompatible use and potential safety concerns.
8. It is important for the City to address unwanted activities related to security, debris removal, and transient management as it relates to the addition of features accessible to the public and plan methods to minimize those impacts.
9. Additional detail is needed on the proposed new trail areas and how additional improvement to the existing trail will interface with the surrounding uses, for the County to provide necessary feedback.
10. Operating hours for the River Walk were not identified. The SART is closed at sunset, therefore if the design will encourage or allow use of the trail system outside the existing hours of operation, the City would need to make considerations for operating the River Walk that would take that into account.

If you have any questions regarding this comment, please contact Yuritzy Randle at (714) 667-8816 in OC Development Services, Giatho Tran at (714)-647-3972 or Ariel Corpuz at (714) 647-3966 in OC Floods Programs, Tracey Ingebrigtsen at (714) 955-0687 in OC Environmental Resources, or Brian Kurnow at (949) 585-6446 in OC Parks.

Please continue to keep the County of Orange on the distribution list for future notifications related to the Project.

Sincerely,



Cindy Salazar, Land Use Manager
OC Public Works /OC Development Services
601 North Ross Street
Santa Ana, California 92701
cindy.salazar@ocpw.ocgov.com

cc: Justin Kirk, Deputy Director, OC Development Services
Nardy Khan, PE/PMP, Deputy Director, OC Infrastructure Programs
Giatho Tran, P.E., C.F.M., Senior Civil Engineer, OC Flood Programs
Ariel Corpuz, P.E., Senior Civil Engineer, OC Flood Programs
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Brian Kurnow, Interim Planning & Design Division Manager, OC Parks
Yuritzy Randle, Associate Planner, OC Development Services

