

CHAPTER 10.0 CONSISTENCY WITH FEDERAL, REGIONAL, AND LOCAL PLANS AND PROGRAMS

10.1 FEDERAL PLANNING PROGRAMS

10.1.1 CLEAN AIR ACT

The Clean Air Act is a comprehensive federal law that regulates air emissions from area, stationary, and mobile resources. This law authorizes the U.S. EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and the environment. The goal of the Clean Air Act was to set and achieve NAAQS in every state by 1975. The setting of maximum pollutant standards was coupled with directing the states to develop State Implementation Plans applicable to appropriate industrial sources in the state. The Clean Air Act was amended in 1977 primarily to set new goals (dates) for achieving attainment of NAAQS because many areas of the country had failed to meet the deadlines. The 1990 amendments of the Clean Air Act were mainly intended to address additional issues such as compliance, acid rain, ground-level ozone, stratospheric ozone depletion, and air toxics.

One of the major requirements on the 1990 Clean Air Act is an operating permit program for larger sources that release pollutants into the air. Under the program, permits are issued primarily by states. When a state fails to carry out the Clean Air Act satisfactorily, the U.S. EPA will take over the program. This operating permit (called Title V Operating Permit) is issued to most large sources and some smaller sources of air pollution. The requirement comes from Title V of the Clean Air Act. Operating permits are legally enforceable documents that permitting authorities issue to air pollution sources after such as the SAQMWD issues Title V permits in California. These permits are often called Part 70 permits because the regulations that establish minimum standards for state permit programs are found in the Code of Federal Regulations at 40 CFR, Part 70. The purpose of Title V permits is to identify and monitor major facilities' compliance with federal regulations and to provide effective enforcement capabilities to the regulatory agency.

Consistency Determination

The proposed permits authorizing the discharge of dredged and/or fill materials into Waters of the U.S., permitting procedures, and mitigation program have been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the discharge of dredged and/or fill materials into Waters of the U.S. proposed under these permits are exempted by 40 CFR Part 93.153. A project would normally be considered to have a significant impact on air quality if its implementation would violate any AAQS, contribute substantially to an existing air quality violation, expose sensitive receptors to substantial pollutant concentrations, or conflict with the adopted environmental plans and goals of the local community. Specific criteria for determining whether the air quality impacts from a project operation are significant are set forth in the South Coast Air Quality Management District's *CEQA Air Quality Handbook*. The criteria include emissions thresholds, compliance with state and national air quality standards, and consistency with the current Air Quality Management Plan. Any later indirect emissions from operations of any of the facilities expected to be constructed are outside the USACE's continuing program responsibility and generally cannot be practicably controlled by the USACE.

Section 176(c) of the Federal Clean Air Act Amendments of 1990 requires each federal agency to assure that its actions conform to the applicable State Implementation Plan developed

pursuant to Section 110 of the Clean Air Act. The federal government recognizes the SCAG as the region's Metropolitan Planning Organization (MPO). As the designated MPO and regional transportation agency, SCAG is responsible for preparing the Regional Transportation Plan and Regional Transportation Improvement Program (23 U.S.C. Section 134 [g]-[h] et seq. 23 CFR Section 450, and CFR Section 613), and developing the demographic projections and integrated land use, housing, employment, and transportation strategies that are used to estimate future emissions in the South Coast Air Quality Management Plans and that form the basis of conformity analyses under the Clean Air Act (42 U.S.C. Section 7506).

10.1.2 NATIONAL HISTORIC PRESERVATION ACT

The National Historic Preservation Act (NHPA), Title 16, United States Code, Section 470, establishes a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States. The NHPA created the Advisory Council on Historic Preservation, an independent federal agency, to advise the President and Congress on matters involving historic preservation. The Advisory Council on Historic Preservation is authorized to review and comment on all actions licensed by the federal government which will have an effect on properties listed in the National Register of Historic Places, or eligible for such listing. Specifically, Section 106 of the Act (16 U.S.C. 470[f]) requires that a federal agency involved in a proposed project of activity is responsible for initiating and completing the review process. The agency must confer with the State Historic Preservation Officer (an official appointed in each state or territory to administer the National Historic Program) and the NHPA.

The National Register is an inventory of the United States' historic resources and is maintained by the National Park Service. The inventory includes buildings, structures, objects, sites, districts, and archaeological resources. The listed properties are not necessarily nationally; rather most are significant primarily at the state or local level. As mentioned above, Section 106 also encompasses significant properties which have not yet been listed or formally determined to be eligible for listing.

Federal actions include, but are not limited to, construction, rehabilitation, and repair projects, demolition, licenses, permits (e.g., Clean Water Act Section 404 permits), loans, loan guarantees, grants, and federal property transfers. The agency sponsoring of one of these activities is obligated to seek Advisory Council on Historic Preservation comments.

Consistency Determination

Within the SAMP Study Area, there are known prehistoric and historic archaeological sites. Implementation of regulated activities under the SAMP would impact these resources and will need to be protected by the NHPA. If cultural resources are discovered on a particular site requiring a USACE authorization and within the USACE area of potential effect, the USACE, in coordination with the State Historic Preservation Office (SHPO), would evaluate the cultural resource for eligibility for listing in the National Register of Historic Places pursuant to the NHPA. Therefore, the SAMP is consistent with the NHPA because cultural resources discovered in the SAMP Study Area would be protected/mitigated as required by the NHPA.

10.1.3 ENVIRONMENTAL JUSTICE

All projects involving a federal action (funding, permit, or land) must comply with Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, signed by President Clinton on February 11, 1994. This Executive

Order directs federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law. Low income is defined based on the Department of Health and Human Services poverty guidelines. For 2005, this was \$19,350 for a family of four in the 48 contiguous states and Washington D.C.¹

Consistency Determination

The SAMP would not disproportionately affect the health or environment of any minority or disadvantaged group. The proposed permitting procedures would not change existing conditions or allow additional development that would have impacts to the health and environment of any population. The individual applications being evaluated would also not pose a disproportionate impact on a minority or disadvantaged group. Alternative B-12 would not result in a substantial number of displacements. Those residential units that are being displaced are owned by Rancho Mission Viejo and the RMV Proposed Project incorporates provisions for on-site replacement housing. New development proposed by Alternative B-12 would also not result in health or environmental impacts that would be borne by groups covered by EO 12898. Currently, the area is undeveloped. As new development is proposed, current standards for environmental protection (e.g., sound walls, compatibility of uses, and hazardous materials) would be applicable to all development regardless of whether it is part of low income development.

10.1.4 FLOODPLAIN EXECUTIVE ORDER

Executive Order 11988 was signed by President Carter on May 27, 1977 to “avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development where there is a practicable alternative.” This EO directs federal agencies “to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore the preserve the natural and beneficial uses of floodplains.”

Consistency Determination

With or without the SAMP, future permit applicants may propose activities within floodplains. Such activities include roads, developments, utilities, and other structures. Like the existing Section 404 permitting framework, the SAMP permitting procedures influence these activities within the context of its statutory authority and responsibilities as defined by the scope of analysis for each permit action.

Within the SAMP Study Area under the new proposed permitting procedures, only issuance of LOPs or standard Individual Permits would result in permanent structures within the floodplains with potential effects on floodplain values and possible adverse impacts to human safety, health, and welfare. The Regional General Permits only authorize temporary impacts and would not result in any permanent structures that would affect floodplain values or result in adverse impacts to human safety, health, and welfare. Prior to issuance of each LOPs and standard Individual Permits outside of the RMV Planning Area, each environmental assessment will need to examine the effect of the permitted activity on floodplain executive order. For the projects within the RMV Planning Area, all developments will be located outside the floodplain. The only structures within the floodplain would be roads, utilities, and stormwater management facilities, because these facilities either require crossing a floodplain or siting within the floodplain.

¹ <http://aspe.hhs.gov> United States Department of Health and Human Services, accessed September 22, 2005.

10.1.5 WETLAND EXECUTIVE ORDER

Executive Order 11990 was signed by President Carter on May 27, 1977 to “avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.” This EO directs federal agencies “to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands.” Although EO 11990 “does not apply to the issuance by federal agencies of permits, licenses, or allocations to private parties for activities involving wetlands on non-federal property,” it does show the consideration each agency must give to wetland protection within each agency’s responsibilities.

Consistency Determination

The SAMP takes into consideration the functions and values of wetlands espoused by EO 11990 and the duty to fully consider the need to avoid and minimize the loss of these aquatic resources. Because the Section 404 program involves issuance of federal permits on non-federal property, EO 11990 does not strictly apply. However, the SAMP contains policies and conditions that are consistent with EO 11990 for the protection of wetlands that fulfills the spirit of the EO 11990.

The SAMP complies with the spirit of EO 11990 through compliance with the Section 404(b)(1) Guidelines as they apply to avoidance, minimization, and compensation of unavoidable impacts. The SAMP involves establishing an alternative permitting system that considers the quality of wetlands and other aquatic resources in determining the appropriate amount of review of permit actions. Higher quality aquatic resources including wetlands would receive additional review through the individual permit process, which involves public notice, explicit consideration of alternatives, and completion of an environmental assessment. The SAMP uses a landscape-level functional assessment (LLFA) methodology for riparian ecosystems to identify those aquatic resources that warrant additional review. The increased review insures that all necessary steps are taken to protect wetlands. Although the LLFA is not able to precisely determine the amounts of wetlands within the study area, the effects of the SAMP program on waters of the U.S. provide insight in the consideration given to wetlands.

In terms of avoidance, the SAMP has identified higher quality waters of the U.S. throughout the SAMP Study Area and the Ranch Plan that warrants conservation or protection through full permit review. As a result, about 3,274 acres out of 3,274 acres within the entire SAMP Study Area will receive the fullest review possible under the Section 404 permit program, resulting in 78 percent of waters of the U.S. receiving full review. In terms of avoidance within the RMV Planning Area portion of the SAMP Study Area, about 755.6 acres out of 857.1 acres would be conserved, resulting in about 90 percent receiving long-term protection.

In terms of minimization within the SAMP Study Area, the SAMP has used the SAMP tenets to design projects to minimize for any indirect impacts to wetlands. The SAMP has considered the instream transport of sediments, avoidance of floodplains, and indirect impacts to sensitive species such as the arroyo toad and the southern steelhead. Within the SAMP Study Area, the proposed permitting procedures will include general conditions to address such as on-site management practices, avoidance of breeding season, and application of state water quality standards to minimize impacts. Within the RMV Planning Area, all major waterways within the study area have been designed with appropriate buffers, resulting in minimization of indirect impacts to wetlands and continued use of these wetland corridors by local wildlife.

In terms of compensation, the SAMP has developed compensatory mitigation policies that would promote replacement of lost functions and values from unavoidable impacts. The compensatory mitigation would be prioritized based on landscape considerations derived from the riparian ecosystem restoration plan that focused on site selection and general design (Smith and Klimas, 2004). All compensatory mitigation would have to comply with the USACE, Los Angeles District, mitigation and monitoring guidelines. Compensatory mitigation sites would also have to include provisions for long-term management with adequate funding.

In light of all these measures, the spirit of EO 11990 was met, even though EO 11990 had provisions exempting federal permit processes on private lands. The vast majority of wetlands would be avoided. For any wetlands proposed to be impacted, full review will insure that all impacts are unavoidable and minimized. Best available science was also invoked to ensure all indirect impacts are minimized to prevent degradation of avoided wetlands. Compensatory mitigation involves careful consideration that would allow for success.

10.1.6 RIVERS AND HARBORS ACT

Section 10 of the Rivers and Harbors Act regulates activities in navigable Waters of the U.S. The term “navigable Waters of the U.S.” as defined in the Code of Federal Regulation (33 CFR 329.4) includes those areas subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for uses to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the water body, and is not extinguished by later action or events which impede or destroy navigable capacity including filled, drained, or diked, or developed lands that at one time were navigable.

A water body that was navigable in its natural or improved state, or that was susceptible to reasonable improvement, retains its character as “navigable by law” even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions. Non-use in the past does not prevent recognition of the potential for future use. Once having attained the character “navigable in law,” the federal authority remains in existence, and cannot be abandoned by administrative officers or court action. Any change to navigable waters, or changes to the surrounding environment that may alter the navigability of these waters (including aerial transmission lines over waterways) are regulated by the USACE.

Consistency Determination

Navigable waters within the SAMP Study Area are limited to the mouth of the San Juan Creek, which experiences ebb and flow of the tide to a limited extent. Because the Rivers and Harbors Act regulates a broad suite of activities not limited to the discharge of dredged and/or fill materials, the SAMP permitting procedures are expected to cover additional categories of activities at the mouth of the San Juan Creek. Analysis of the program’s consistency with Section 10 of the RHA will be performed on a case-by-case basis.

10.1.7 MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT

The Magnuson-Stevens Fishery Conservation and Management Act, Public Law 94-265, as amended (Magnuson-Stevens Act), provides for the conservation and management of fishery resources within the U.S. Exclusive Economic Zone. It was adopted to extend control of U.S. waters to 200 nautical miles in the ocean; to phase out fishing activities within this zone; to

prevent over fishing, especially by foreign fleets; to allow over fished stocks to recover; and to conserve and manage fishery resources.

Congress passed the original Magnuson Act in 1976; it has since been amended several times. Among other things, the Magnuson Act explains the role of regional fishery management councils and describes their functions and operating procedures. The Magnuson Act includes national standards for management and outlines the contents of fishery management plans. In addition, it gives the Secretary of Commerce power to review, approve, and implement fishery management plans and other recommendations developed by the councils. National Marine Fisheries Service provides guidance for applying the National Standards of the Magnuson Act (Pacific Fishery Management Council, 2004).

The Magnuson Act became law in 1976 and was re-authorized by the 104th Congress as the "Magnuson-Stevens Act" on October 11, 1996 to become Public Law 104-297. At present, the Magnuson Act states in its "National Standards" that conservation and management measures shall:

- Prevent over fishing while achieving optimum yield.
- Not discriminate between residents of different states; any allocation of privileges must be fair and equitable.
- Where practicable, promote efficiency, except that no such measure shall have economic allocation as its sole purpose.
- Take into account and allow for variations among and contingencies in fisheries, fishery resources, and catches.
- Minimize costs and avoid duplications, where practicable.
- To the extent practicable, an individual stock shall be managed as a unit throughout its range; interrelated stocks shall be managed as a unit or in close coordination.
- Take into account the importance of fishery resources to fishing communities, consistent with conservation requirements, including prevention of over fishing and rebuilding of over fished stocks.
- Minimize by catch or mortality from by catch.
- Promote safety of human life at sea.

Consistency Determination

This EIS and subsequent public notice initiates the Endangered Fish Habitats consultation requirements of the Act. Due to the inland location of most of the SAMP Study Area, regulated activities as well as the limited extent of the predicted project activity impacts on Endangered Fish Habitats, it is initially determined that implementation of the proposed SAMP would not have a substantial adverse impact on Endangered Fish Habitats or federally managed fisheries in California waters. The USACE will send a forthcoming letter to NOAA Fisheries requesting concurrence that the Regional General Permit and the LOP process outside of the RMV Planning Area would not affect Essential Fish Habitat.

10.1.8 COASTAL ZONE MANAGEMENT ACT

The Coastal Zone Management Act of 1972 was enacted by Congress to encourage states to preserve, protect, develop, and, where possible, to restore or enhance valuable natural resources such as wetlands, flood plains, estuaries, beaches, dunes, barrier islands, and coral reefs, as well as the fish and wildlife using those habitats. Administration of the Coastal Zone Management Act was delegated to the National Oceanic and Atmospheric Administration (NOAA). A state with an approved coastal protection program, such as California, can be delegated the authority to implement the provisions of the Coastal Zone Management Act. The Office of Ocean and Coastal Resource Management (OCRM) administers the individual state programs. The California Coastal Commission was established in 1976 (as the successor to the California Coastal Zone Conservation Commission created as a result of the passage of Proposition 20 in 1972) as the primary lead agency responsible for implementing California's federally approved coastal management program. California's coastal management program is carried out through a partnership between state and local governments. The California Coastal Commission certifies Local Coastal Programs and approves coastal development permits pursuant to requirements set forth in the California Coastal Act of 1976. Pursuant to California's federally approved coastal management program, the California Coastal Commission and the San Francisco Bay Conservation and Development Commission make consistency determinations pursuant to the provisions of the Coastal Zone Management Act and the approved coastal management program.

Amendments to the Coastal Zone Management Act in 1990 entitled Coastal Zone Act Reauthorization Amendments required coastal states to enhance cooperation between land and water use management agencies, identify management measures to prevent and control polluted runoff, and ensure that enforceable mechanisms were in place where voluntary efforts were determined to be insufficient to restore and protect state waters. In response to the new provisions of the Coastal Zone Management Act, the California Coastal Commission entered into a partnership with the State Water Resources Control Board to implement a statewide plan that would address both the Coastal Zone Management Act and Clean Water Act requirements regarding coastal waters. The State Water Resources Control Board has subsequently updated the State Nonpoint Source Control Plan to address the provisions of the Coastal Zone Management Act. The U.S. EPA and NOAA approved the revised California Nonpoint Source Pollution Control Program (NPS Program) in 2000. The NPS Program identifies activities to be completed by State Water Resources Control Board in implementing Coastal Zone Management Act requirements in the regional basin plans and storm water permit programs. To date, many of the basin plans and MS4 NPDES permits, such as SDRWQCB MS4 and County of Orange DAMP, have been revised to carry out the NPS Program. Additional information regarding the State NPS Program can be viewed at www.swrcb.ca.gov/nps.

For projects in or affecting the coastal zone, the federal Coastal Zone Management Act requires the applicant to obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan prior to issuing the USACE authorization for the project. Although the majority of the SAMP Study Area is outside the coastal zone, certain areas in the City of Dana Point are within the coastal zone.

Consistency Determination

The USACE has adopted regulations addressing Coastal Zone Management Act consistency requirements at 33 CFR 325. As indicated, the proposed RMV permitting procedures involve activities located substantially outside the coastal zone and future RMV LOP authorizations

would not require Coastal Zone Management Act determinations.² With regard to the proposed Regional General Permit, some activities employing the Regional General Permit may occur within the coastal zone and may require Coastal Zone Management Act consistency determinations if so required by the California coastal management program. Additionally, future LOP applicants may propose activities within the coastal zone and could be subject to Coastal Zone Management Act consistency requirements. However, as indicated in the review of the proposed RMV permitting procedures, the USACE authorization to impact USACE jurisdictional areas is not final until such time as the permit applicant complies with LOP procedures applicable to future individual actions and thus, for any activities within the coastal zone, such potential future applicants would assure Coastal Zone Management Act compliance at such time as full compliance with LOP procedures is achieved.

Therefore, in cases where specific projects that would undertake activities impacting aquatic resources located within the coastal zone are considered for permitting under Section 404 for Clean Water Act, project-specific Coastal Development Permits or concurrence on federal consistency will be sought.

10.1.9 CALIFORNIA WATER CODE

10.1.9.1 Waters of the State

The California Water Code is the principal state law regulating water quality in California. Waters of the State include “any surface water or groundwater, including saline waters, within the boundaries of the state” (Section 13050[e]). This includes tributaries to waters listed above, isolated waters (e.g., vernal pools, groundwater-supplied wetlands), and vegetated swales with no apparent OHWM). All of these water bodies contain/convey flows during and after precipitation events.

California Water Code contains provisions regulating water and its use. This portion of the California Water Code, Division 7 (Porter-Cologne Act), establishes a program to protect water quality and beneficial uses of the state water resources including groundwater and surface water. The State Water Resources Control Board and the RWQCBs are the principal state agencies responsible for control of water quality. They establish waste discharge requirements, water quality control planning and monitoring, enforcement of discharge permits, and ground and surface water quality objectives.

The RWQCBs are responsible for the administration of Section 401 of the Clean Water Act. Depending on the permitting requirements of the USACE, a water quality certification issued by the RWQCBs may be necessary. If the USACE deems a particular aquatic resource to be “isolated” (and is therefore not regulated by the USACE Regulatory Program per SWANCC), the RWQCB would regulate the isolated resource through the State Porter-Cologne Act. A Waste Discharge Requirement may be issued for any activities affecting the isolated resource. For example, many vernal pools are “isolated” and may be regulated through Porter-Cologne rather than the USACE.

² See *Sierra Club v. California Coastal Commission* rejecting the Sierra Club challenge that “the Commission’s refusal to base its permit decision solely on the impacts within the coastal zone of the proposed activities outside the coastal zone is inconsistent with Coastal Zone Management Act and ‘creates an issue of conflict preemption’” and holding that the Court of Appeal “correctly declined to deny the permit request solely on the basis of the impacts within the coastal zone that Sierra Club alleges will result from the proposed development outside the coastal zone.” 35 Cal.4th 839 *Sierra Club v. California Coastal Com* (2005)

Consistency Determination

Consistency with Section 401 of the Clean Water Act has been reviewed previously. Additionally, the SWRCB and the RWQCBs carry out comprehensive programs for implementing state and federal water quality laws, including requirements for Stormwater Pollution Prevention Plans for construction sites and MS4 stormwater plans addressing nonpoint sources. The WQMP (Appendix D) contains an extensive analysis of the manner in which the water quality program for the proposed RMV permitting procedures addresses all applicable state and federal regulatory requirements, the primary elements of which are summarized in subchapter 8.6.

10.1.10 CALIFORNIA COASTAL ACT

The California Coastal Act of 1976 requires any applicant proposing to undertake development in the Coastal Zone to obtain a Coastal Development Permit. The Coastal Zone is mapped and extends inland anywhere from several hundred yards in developed urban areas to a maximum five miles in undeveloped areas.

Consistency Determination

For those projects with activities that would take place within the coastal zone, any activities requiring a coastal development permit from the California Coastal Commission or other authorization pursuant to a certified Local Coastal Program, will be required to obtain such authorization in addition to any Regional General Permit or LOP authorization prior to commencing any activities within the coastal zone.

10.2 REGIONAL PLANNING PROGRAMS

10.2.1 SCAG REGIONAL COMPREHENSIVE PLAN AND GUIDE

The Southern California Association of Governments (SCAG) is the Metropolitan Planning Organization (MPO) for six counties: Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The region encompasses a population exceeding 15 million persons in an area of more than 38,000 square miles. As the designated MPO, the SCAG is mandated by the federal government to research and draw up plans for transportation, growth management, hazardous waste management, and air quality. Among the leading activities that SCAG undertakes are:

- Maintenance of a continuous, comprehensive, and coordinated planning process resulting in a Regional Transportation Plan and a Regional Transportation Improvement Program.
- Development of demographic projections plus the integrated land use, housing, employment, transportation programs, measures, and strategies portions of the South Coast Air Quality Management Plan, as well as serving as co-lead agency for air quality planning for the Central Coast and Southeast Desert air basin districts.
- Responsibility under the federal Clean Air Act for determining conformity to the Air Plan of projects, plans, and programs.
- Review of environmental impact reports for projects having regional significance for consistency with regional plans.

- Pursuant to federal water pollution control statutes, SCAG functions as the authorized areawide waste treatment management planning agency.
- Responsibility under state law for preparation of the Regional Housing Needs Assessment.

SCAG has developed a number of programs and plans to achieve the regional objectives which are designed to meet the comprehensive planning needs for the region. The most applicable to the SAMP is the Regional Comprehensive Plan and Guide (RCPG). SCAG is in the process of updating the RCPG; the updated RCPG has not been adopted. Projects are reviewed by SCAG for consistency with the RCPG's core and ancillary policies that apply to a specific project being reviewed. Projects are reviewed and an assessment is made on whether the project is consistent with or supports those specific policies. Some of the policies within these plans are advisory in nature. The RCPG includes chapters on Growth Management (June 1994); Regional Mobility (June 1994); Air Quality (October 1995); Housing (June 1994); Open Space and Conservation (April 1995); Water Resources (December 1994); Water Quality (January 1995); Hazardous Waste Management (November 1994); Integrated Solid Waste (November 1994); Energy (2002); and Economy (2000).

The following discussion evaluates the consistency of the project with this planning program. Inconsistency with the planning program is identified as an impact because these planning programs are designed as tools to help the region achieve environmental standards in areas such as air quality and traffic. If the programs are not implemented, or appropriately revised to reflect modifications made by local jurisdictions, it may lead to a physical impact.

10.2.1.1 Open Space and Conservation Chapter

The purpose of the Open Space and Conservation Chapter is to assist local governments in planning for local and regional open space. The chapter is intended to provide:

- An inventory of some regionally-significant open space resources and an assessment of their continued viability in view of the potential impacts of future growth and development;
- A framework for resolving potential conflicts between development and open space needs;
- Strategies for better coordination of open space and land-use planning; and,
- An assessment of potential institutional and funding options for the planning and acquisition management of open space resources.

This chapter includes the following goal that is applicable to the SAMP:

Resource Production

- Develop well-managed viable ecosystems or known habitats of rare, threatened and endangered species, including wetlands.

Consistency Determination

With respect to the consistency of the proposed permitting procedures with the goals of the Open Space and Conservation Chapter, the SAMP will facilitate the purposes of the chapter. The SAMP process has resulted in an inventory of regionally significant open space resources. In this specific case, the resources are waters and wetlands of the U.S. and riparian habitat. These resources are discussed in Chapter 4.0 of this EIS. As described in Chapter 3.0, the SAMP is an evaluation tool for assessing the potential impacts of future growth and development within the SAMP Study Area on the inventoried aquatic resources. In particular, the permitting procedures as described in Chapter 8.0 of this EIS are intended to protect inventoried aquatic resources of higher value while allowing impacts to lower value aquatic resources. The SAMP is a strategy for better coordination of open space and land use planning. This can be seen in the range of alternatives reviewed in Chapter 6.0 of this EIS and particularly in those alternatives carried forward for further review under the Clean Water Act Section 404 (b)(1) Guidelines (Chapter 8.0 of this EIS). The management of aquatic resources identified for protection (i.e., ARCAs) would be accomplished through an Aquatic Resources Adaptive Management Program discussed in Chapter 5.0, Chapter 8.0, and Appendix G2, and is summarized here.

The Aquatic Resources Adaptive Management Program identifies specific policies, management recommendations, and restoration strategies for maintaining and enhancing the long-term value of protected aquatic habitats contained within the RMV Planning Area. The three primary goals for the Aquatic Resources Adaptive Management Program, each of which is related to the objective of maintaining and, where feasible, increasing net habitat value of open space within the RMV Planning Area over the long term; are:

- Ensure the persistence of the native-dominated vegetation mosaic in the RMV Planning Area
- Restore the quality of degraded vegetation communities and other habitat types
- Maintain and restore biotic and abiotic natural processes, at all identified scales

In addition to the management of wetland/riparian habitats and coast live oak riparian woodlands, specific elements of the Aquatic Resources Adaptive Management Program have been designed to contribute to the recovery of listed aquatic species within the SAMP Study Area (i.e., least Bell's vireo, southwester willow flycatcher, arroyo toad). The plan also provides a comprehensive monitoring program for assessing the function and benefit of the individual plan elements, which will assist in the refinement of the Aquatic Resources Adaptive Management Plan to ensure that species and habitat maintenance/enhancement objectives are being met. Therefore, the SAMP is consistent with the goals of the RCPG Open Space and Conservation Chapter.

10.2.1.2 Water Quality Chapter

The Water Quality Chapter is intended to provide a regional perspective on current water quality issues and the plans and programs for addressing these issues, and to better clarify the relationship between water quality and other regional concerns. The chapter is intended to accomplish the following:

- Identify the current water quality goals and objectives for the region as established under existing law.

- Provide an inventory of current water quality problem areas in the region.
- Identify and describe the various plans and programs affecting water quality in southern California.
- Raise some regional issues associated with maintaining and improving water quality in the region including issues in which water quality goals and policies interact with other regional goals and policies.
- Provide a framework for ensuring that growth in wastewater treatment capacity is consistent with regional growth projections.
- Provide recommendations and policy options for improving the region's water quality and the current system for managing water quality.

To improve the planning and management of water quality in the SCAG region, this chapter includes recommendations that can be undertaken by regional entities, such as SCAG, as well as policies and programs that can be explored by other agencies, particularly at the state and federal level. Recommendations applicable to the SAMP are as follows:

- Encourage "watershed management" programs and strategies, recognizing the primary role of local governments in such efforts.
- Coordinate watershed management planning at the subregional level by (1) providing consistent regional data; (2) serving as a liaison between affected local, state, and federal watershed management agencies; and (3) ensuring that watershed planning is consistent with other planning objectives (e.g., transportation, air quality, water supply).
- Support regional efforts to identify and cooperatively plan for wetlands to facilitate both sustaining the amount and quality of wetlands in the region and expediting the process for obtaining wetlands permits.

Consistency Determination

As described in Chapter 1.0, a SAMP is a voluntary watershed-level planning and permitting process involving local landowners and public agencies that seek permit coverage under the federal Clean Water Act Section 404 for future actions affecting jurisdictional Waters of the U.S. Local, state, and federal agencies, in cooperation with local landowners, have coordinated land use and natural resource conservation planning efforts to address future economic development in a portion of south Orange County within the San Juan Creek and western San Mateo Creek Watersheds. This "coordinated planning process" consists of three separate planning processes which are underway and/or completed: (1) an amendment to Orange County's General Plan and Zone Change (GPA/ZC) (completed), (2) development of a Special Area Management Plan (SAMP), and (3) development of a Natural Community Conservation Plan/Master Streambed Alteration Agreement/Habitat Conservation Plan (NCCP/MSAA/HCP) (under preparation). The SAMP thus addresses the first recommendation above dealing with "watershed management" and also the second recommendation of coordination at the subregional level.

The purpose of a SAMP is to provide for reasonable economic development and the protection and long-term management of sensitive aquatic resources (biological and hydrological). To the extent feasible, federal Waters of the U.S., including wetlands, are avoided and unavoidable impacts are minimized and fully mitigated under the SAMP. The intent of the proposed San

Juan Creek and western San Mateo Creek Watersheds SAMP is to provide permit coverage under the federal Clean Water Act Section 404 for future actions affecting jurisdictional Waters of the US in these watersheds. In particular, the permitting procedures as described in Chapter 8.0 of this EIS are intended to protect aquatic resources of higher value while allowing impacts to lower value aquatic resources through an abbreviated Individual Permit/Letter of Permission permitting process for current participants in the SAMP or through the proposed Regional General Permit. In addition, the protection of water quality is accomplished through implementation of a Water Quality Management Plan (WQMP) that supports the SAMP process. This WQMP is discussed further in Chapter 6.0 and extensively in Chapter 8.0 of this EIS. Therefore, the SAMP is consistent with the third recommendation of the RCPG Water Quality Chapter.

10.2.2 COUNTY OF ORANGE GENERAL PLAN

The County of Orange General Plan contains the following elements: Land Use Element; Transportation Element, Public Services and Facilities Element, Resources Element, Recreation Element, Noise Element, Safety Element, Housing Element; and Growth Management Element. The County of Orange General Plan defines a goal as a “general expression of community values and is abstract in nature. It looks to an ideal future of about twenty years.” An objective is defined as “an intermediate step toward attaining a goal and is relatively more specific.” A policy is defined as “a specific statement that guides decision-making.” Goals, objectives, and policies of the General Plan, relevant to the goals of the SAMP, are addressed in this chapter.

10.2.2.1 Land Use Element

The County of Orange General Plan Land Use Element (adopted February 2000, as amended April 20, 2004) “...contains official County policies on the location and character of land uses necessary for orderly growth and development.” The Land Use Element identifies policies and programs in other General Plan elements that affect land use and provide guidance for future land use planning studies for the unincorporated portion of the County. The Land Use Element discusses the planning constraints and deficiencies affecting development in Orange County: environmental, fiscal, economic and market, and governmental.

Three purposes are set forth in the Land Use Element. One, the Land Use Element provides policies, and land use patterns for unincorporated Orange County and establishes development criteria and standards, including population density and building intensity. In accomplishing this primary purpose, the Land Use Element fulfills the requirements of California Government Code §65302(a), which establishes it as a mandated element of a general plan. Two, the Land Use Element’s policies provide a basis for the evaluation of physical development and growth trends in order to achieve General Plan goals. Three, the policies determine land use capacities and the appropriate level of public services and infrastructure necessary to support these capacities.

The Land Use Element identifies 13 major land use policies applicable to all geographic areas of unincorporated Orange County. These policies were adopted by the County for the purpose of guiding the planning and development of unincorporated areas in the short- and long-term.

The County General Plan Land Use Element establishes eight land use programs to implement the policies of the element. “These programs are necessary to effectuate the intent and purpose of the Land Use Element policies. Future development in the County will be reviewed for compliance with the Land Use Element policies through the following programs.”

- Growth Management Program

- Housing Density Bonus Program
- Community Planning Program
- Environmental Review Process
- Natural Communities Conservation Planning Program
- Annual Land Use Element Review Program
- Childcare Improvement Program
- Recycling/Materials Recovery Program

The Land Use Element identifies policies, rather than goals. There are 12 policies that could be potentially applicable to the SAMP, but only two have been determined to be applicable, Policy 8–Enhancement of the Environment and Policy 13–Urban and Storm Water Runoff Regulations. There are also two applicable land use programs, the Environmental Review Process and the Natural Community Conservation Planning Program.

Policy 8: Enhancement of Environment–To guide development so that the quality of the physical environment is enhanced.

Consistency Determination

With respect to the potential activities proposed to be authorized by the permitting procedures (i.e., the alternatives carried forward for review in Chapter 8.0), these alternatives have been selected because they do enhance the quality of the physical environment through the preservation of high value aquatic resources, such as San Juan Creek, La Paz Creek, and Talega Creek. Further development has been concentrated in areas of lower habitat, hydrologic, and water quality integrity as described in Chapter 6.0 of this EIS. Development land uses have been designated with the intent of minimizing potential land use conflicts, both internal to the RMV Planning Area and with existing uses adjacent to the RMV Planning Area. Use of the natural ridgelines for buffering, placement of similar development types adjacent to existing uses, and preservation of over 74 percent (16,942 acres) of the RMV Planning Area in open space enhances compatibility with the surrounding protected open space (e.g., Caspers Regional Park, Cleveland National Forest, and the San Mateo Wilderness).

Policy 13: Urban and Storm Water Runoff Regulations– Establishes framework for the reduction of water pollution. Policies for meeting updated objectives for permits in the San Diego RWQCB include:

- a. Look for opportunities to minimize the amount of impervious surfaces in areas of new development and redevelopment; and where feasible, identify the need to slow runoff and maximize on-site infiltration runoff.
- b. Implement appropriate pollution prevention methods supplemented by pollutant source controls and treatment, as needed. Encourage the use of small collection strategies located at, or close to as possible to, the source runoff and pollutants offsite and into MS4.
- c. Look for opportunities to preserve, and where possible, create or restore areas that provide, create, or restore areas that provide important benefits, such as riparian corridors, wetlands, and buffer zones. Encourage land acquisition of such areas.
- d. Seek to limit disturbances of natural drainage systems caused by development including roads, highways, and bridges.

- e. Prior to making land use decisions, look for opportunities to utilize methods available to estimate the increase in pollutant loads and flows resulting from projected future development. Require incorporation of structural and non-structural BMPs to mitigate the projected increases in pollutant loads and flows.
- f. Identify and seek to avoid development of areas that are particularly susceptible to erosion and sediment loss; or establish development guidance that identifies these areas and protects them from erosion and sediment loss.
- g. Look for the opportunities to reduce pollutants with vehicles and increasing traffic resulting from development. Coordinate local traffic management reduction efforts with Orange County Transportation Authority's Congestion Management Plan.
- h. Look for design opportunities to manage post-development runoff from a site in such a manner that, to the maximum extent practicable, it shall not contain pollutant loads that cause or contribute to exceedances of receiving water quality objectives.

Consistency Determination

Chapter 6.0 of this EIS contains an evaluation of the proposed alternatives on the physical processes and conditions of the SAMP Study Area, including the SAMP Tenets, Watershed Planning Principles, and sub-basin recommendations which specifically address such topics as storm water runoff. An example of how the SAMP process addresses the policies noted above is Watershed Planning Principle 1, which states an intent to "*Recognize and account for the hydrologic response of different terrains at the sub-basin and watershed scale*", which would address policies a, e, and f. The Water Quality Management Plan (WQMP) prepared to support the SAMP describes pre- and post-project pollutant loading for the alternatives under consideration, and where necessary, proposes measures to offset projected increases through the use of structural and non-structural Best Management Practices, including a combined control system to affect a water balance such that the post-project flow duration is equal to that of the pre-project flow duration. The WQMP is discussed in Chapters 6.0 and 8.0 of this EIS (Appendix D). Therefore, the SAMP addresses policies b, g, and h above. Finally, as a management plan designed to protect aquatic resources, the SAMP addresses policies c and d through the development of alternatives that achieve consistency with the SAMP Tenets of:

- a) No net loss of acreage and functions of Waters of the U.S. and Waters of the State
- b) Maintain/restore riparian ecosystem integrity
- c) Protect headwaters
- d) Maintain/protect/restore riparian corridors
- e) Maintain and/or restore floodplain connection
- f) Maintain and/or restore sediment sources and transport equilibrium
- g) Maintain adequate buffer for the protection of riparian corridors
- h) Protect riparian areas and associated habitats of listed and sensitive species

As previously noted, the Land Use Element has eight programs to facilitate the implementation of the land use policies: Growth Management Program, Housing Density Bonus Program,

Community Planning Program, Environmental Review Process, Natural Community Conservation Planning Program, Annual Land Use Element Review Program, Childcare Improvement Program, and Recycling/Materials Recovery Program.

With respect to the SAMP, the Environmental Review Process and the Natural Community Conservation Planning Program are applicable. These are summarized below, with an evaluation of the SAMP's consistency with these programs.

Environmental Review Process

The Orange County Environmental Review Process “minimizes environmental impacts of development through the County’s environmental review procedure. This program implements state and federal environmental protection laws in Orange County.” Chapter 1.0 describes how the SAMP process will result in new permitting procedures within the SAMP Study Area, including Individual Permits/Letters of Permission for current and potential future participants and a potential Regional General Permit. Therefore, projects located in unincorporated Orange County, that impact USACE jurisdiction, including the RMV Proposed Project, would be subject to new permitting procedures. Proposed projects are also subject to review by the County and are processed pursuant to the County’s environmental procedures. As such, the proposed permitting procedures will be consistent with the Orange County environmental review process.

Natural Community Conservation Planning Program (NCCP)

An NCCP establishes a habitat reserve system for native habitat. The focus of the NCCP Program is to protect target sensitive species, such as the coastal California gnatcatcher. A small portion of the SAMP Study Area is located within the Orange County Central-Coastal NCCP (this subregional NCCP, approved in July 1996, established a 37,380 acre reserve system in a 208,000 acre planning area). The majority of the SAMP Study Area is located within the Southern Subregion Sub-region NCCP boundaries. The RMV Planning Area is located entirely within the Southern Sub-region NCCP boundaries. As described in Chapter 2.0 of this EIS, the SAMP is part of a coordinated planning process that includes preparation of an NCCP/MSAA/HCP for the Southern Subregion and a General Plan Amendment/zone change for the RMV Planning Area.

10.2.2.2 Resources Element

The County of Orange Resources Element (adopted February 2000, as amended April 20, 2004) “...contains official County policies on the conservation and management of resources.” The Resources Element has six components: Natural Resources, Energy Resources, Water Resources, Air Resources, Open Space, and Cultural-Historical.

The goals of the Resources Element are consistent with state requirements and are primarily based on quantified objectives, an assessment of resource needs, and identification of problems that impede the development, management, preservation, or conservation of County resources. The Resources Element serves to guide and direct local government decision-making in resource-related matters and also facilitates coordination with regional, state, and federal policies and programs.

Urbanization affects agriculture, parkland, wildlife habitat, and natural vegetation most directly, since these resources often compete with development for the same land. All resources will experience increasing demand as the urbanized area expands, but the methods employed to meet these demands will vary. One of the major purposes of the Resources Element is to

provide a clear statement of County policy so that timely steps can be taken to ensure that an adequate supply of all necessary resources will be available to meet the County's growth needs.

The policy applicable to the SAMP is Policy 5 which deals with the protection of water quality.

Policy 5: Water Quality—To protect water quality through management and enforcement efforts.

Consistency Determination

As previously noted in this chapter, discussed in Chapter 6.0, and addressed extensively in Chapter 8.0, a Water Quality Management Plan (WQMP) has been prepared to support the SAMP process. The WQMP conducted hydrologic modeling for the alternatives based on a 53-year rainfall record. The WQMP further conducted a water balance and flow duration analysis. To achieve pre- and post-project flow duration matching the WQMP proposes a combined control system consisting of the following elements: flow duration control and water quality treatment basin, infiltration basin, bioinfiltration swale, storage facility for non-potable water supply, and diversion conduit to export excess flows out of the sub-basin. In addition to these structural BMPs, the WQMP also addressed non-structural BMP's and adaptive management of water quality. Thus the WQMP prepared to support the SAMP will enable the alternatives to protect and manage water quality and thus be consistent with Policy 5 above.

10.2.2.3 County Of Orange Specific Plans

Foothill/Trabuco Specific Plan

The Foothill/Trabuco Specific Plan (adopted in December 1991, as amended August 21, 2001) sets forth goals, policies, land use district regulations, development guidelines, and implementation programs to preserve the area's rural character and guide future development in the Foothill/Trabuco area. The Foothill/Trabuco Specific Plan area is approximately 6,500 acres and is located in the foothills of the Santa Ana Mountains in unincorporated Orange County. The Specific Plan area is generally bound on the north by the Silverado/Modjeska Specific Plan area and the Cleveland National Forest; to the south by O'Neill Regional Park, the Trabuco and Robinson Ranch Planned Communities, and the City of Rancho Santa Margarita; to the east by the Cleveland National Forest; and to the west by the Santiago Ranch project and the Foothill Ranch and Portola Hills Planned Communities.

The Specific Plan includes six components. The Land Use Plan Component identifies the permitted uses in the Foothill/Trabuco Specific Plan Area. The Circulation Plan Component identifies existing and private roads in the Specific Plan area, as well as road improvements necessary to support permitted development. The purpose and intent of the Resources Overlay Component is to preserve and minimize impacts on significant regional resources (i.e., wildlife corridors, oak woodlands, and stream beds). The Public Facilities Component addresses the adequacy of existing public facilities to meet the level of permitted development in the Specific Plan area. The public facilities and services addressed in this section are circulation, water distribution, wastewater disposal, school facilities, sheriff and fire service, and library service. The Recreation Component includes an inventory and description of existing and proposed recreational facilities in the Specific Plan area. These include the Cleveland National Forest, regional and local parks, regional and local riding and hiking trails, and bikeways. The Phasing Component addresses circulation phasing, wastewater treatment phasing, school facilities phasing, and traffic safety programs.

The Foothill/Trabuco Specific Plan area is divided into three planning areas based on road access, proximity to and availability of infrastructure, and differing development opportunities and constraints. The three planning areas are the Upper Aliso Planning Area, Trabuco Canyon Planning Area, and Plano Trabuco Planning Area. Table 10-1 summarizes the existing and permitted land uses in the Specific Plan Area by planning area. The County General Plan Housing Element (May 8, 2001; technical amendment updates April 2004) notes that for the Foothill/Trabuco Specific Plan area, there are 1,783.8 vacant developable acres.

**TABLE 10-1
FOOTHILL/TRABUCO SPECIFIC PLAN LAND USE SUMMARY**

Existing/Proposed Land Use	Maximum Dwelling Units/Square Feet	Approximate Acreage
Upper Aliso Planning Area		
Residential (SFD)	1,137 du	1,261.9
Open Space	0	160.7
Restaurant and/or Existing Tavern/Home Improvement Center	19,000 sq.ft.	12.2
Special Use	Existing use	Not stated
Public/Quasi-Public Facility	Existing uses	34.1
Retail Nursery	5,000 sq.ft.	2.0
Subtotal Acreage		1,470.9 ac.
Trabuco Canyon Planning Area		
Residential (SFD)	1,016 du	2,561.4
Open Space	0	934.8
Commercial	Existing uses	Not stated
Commercial/Office	Existing use	4.0
Public/Quasi-Public Facility	Existing uses	376.2
Regional Park	0	400.0
Sand and Gravel Extraction	Existing use	Not stated
Subtotal Acreage		4,276.4 ac.
Plano Trabuco Planning Area		
Residential (SFD)	612 du	209.1
Open Space	0	Not stated
Wholesale Nursery	Existing (interim use)	See residential
Public/Quasi-Public Facility	Existing uses	3.0
Subtotal Acreage		212.1 ac.
Total Residential	2,675 du	4,032.4 ac.
Total Open Space	0	1,095.5 ac.
Total Public/Quasi-Public Facility	Existing uses	413.3 ac.
Total Commercial, Commercial/Office	Existing use	4.0 ac.
Retail Nursery	5,000 sq.ft.	2.0 ac.
Regional Park	0	400.0 ac.
Sand and Gravel Extraction	Existing use	Not stated
Restaurant and/or Existing Tavern/Home Improvement Center	19,000 sq.ft.	12.2 ac.
TOTAL ACRES		5,959.4 ac.
Source: Foothill/Trabuco Specific Plan Appendix B, Statistical Summary by Planning Area, December 1991, as amended August 21, 2001.		

Upper Aliso Planning Area

The Upper Aliso Planning Area includes properties adjacent to Santiago Canyon Road/El Toro Road and along Live Oak Canyon Road west of Harris Grade. The planning area is generally bound on the north by the major ridgeline which separates the Foothill/Trabuco Specific Plan Area from the Silverado/Modjeska Specific Plan Area; to the south by O'Neill Regional Park; to the east by the Cleveland National Forest and the Trabuco Canyon Planning Area; and to the west by Whiting Ranch Wilderness Park, Foothill Ranch Planned Community, Santiago Ranch, and Portola Hills Planned Community. Portions of the Cleveland National Forest are within the boundaries of the planning area. The planning area contains a series of major ridgelines and wooded canyons.

Trabuco Canyon Planning Area

The Trabuco Canyon Planning Area is bound on the north by the Silverado/Modjeska Specific Plan Area; to the south by the Plano Trabuco Specific Plan Area; and to the east by the Cleveland National Forest. The planning area includes O'Neill Regional Park and portions of the Cleveland National Forest. The majority of existing development is accessed from Trabuco Oaks Drive and Mountain View Road. The planning area contains major and minor ridgelines with intervening wooded canyons.

Plano Trabuco Planning Area

The Plano Trabuco Planning Area is located south of Trabuco Creek and adjacent to existing development in the City of Rancho Santa Margarita and in Robinson Ranch. The planning area is predominately flat with limited native vegetation because of agricultural activities.

The goals and objectives of the Foothill/Trabuco Specific Plan Area, as applicable to the SAMP, are as follows:

Goals

- a. **Rural Character/Forest Buffer:** To preserve the rural character of the area and provide a buffer between urban development and the Cleveland National Forest.
- b. **Resource Preservation:** To preserve significant landform, biological, and scenic resources.
- c. **Development Potential:** To ensure at least some development potential on each individual property.
- d. **Circulation/Infrastructure:** To provide for a circulation system and other infrastructure adequate to serve the ultimate level of development permitted.
- e. **Equestrian/Recreational Opportunities:** To provide equestrian and other recreational opportunities.

Area-wide Objectives

Resource Preservation

- a. Preserve significant biological resources, including oak woodlands, riparian areas, and wildlife mobility corridors.

- b. Preserve the Arroyo Trabuco/Trabuco Creek as permanent open space to ensure the preservation of the wildlife mobility corridor present in the creek and ensure consistency with the Resources Element of the County's General Plan which designates the creek as an Open Space, Conservation, and Scenic Corridor.

Consistency Determination

As described in Chapter 1.0, the three main goals of the SAMP process are to:

- Allow reasonable economic development through one or more permitting procedures that provide regulatory predictability and incentives for comprehensive resource protection, management, and restoration over the long term.
- Establish an aquatic resources conservation program that includes preservation, restoration, and management of aquatic resources referred to hereafter as the "Aquatic Resources Conservation Program" or "ARCP."
- Minimize individual and cumulative impacts of future projects within the SAMP watersheds by relating permitting for future activities to the SAMP ARCP, including studies prepared for the SAMP and the Southern Subregion Coordinated Planning Process.

Projects in the SAMP Study Area would be subject to one of two proposed permitting procedures for projects outside of the RMV Planning Area:

- Proposed use of Letter of Permission (LOP) Procedures for other future qualifying permit applicants whose potential impacts on the Waters of the U.S. would be assessed through reliance on the SAMP at future points in time. Figure 1-3 in Chapter 1.0 identifies the areas where LOP procedures may be used for qualifying applicants.
- Proposed Regional General Permit (RGP) for certain limited activities and the suspension of selected Nationwide Permits (NWP) for small-scale activities and ongoing maintenance activities within the SAMP Study Area but outside of the RMV Planning Area (see Figure 1-4 of Chapter 1.0).

As described in Chapter 2.0, future projects within the Foothill/Trabuco Specific Plan area that impact jurisdictional Waters of the U.S. are eligible to participate in the SAMP through the permitting procedures noted above. These permitting procedures are consistent with the applicable goals of the Foothill/Trabuco Specific Plan. Permitting actions within the RMV Planning Area would not affect the Foothill/Trabuco Specific Plan.

Coto De Caza Specific Plan

The Coto de Caza Specific Plan (as amended August 8, 1995) specifies the distribution, location, and extent of the existing and proposed use of land within the boundaries of the Coto de Caza Specific Plan site. The 4,929-acre Specific Plan site is located in southeastern unincorporated Orange County. The Specific Plan Area is generally bound to the north by the City of Rancho Santa Margarita; to the south by the RMV Planning Area in unincorporated Orange County; to the east by the City of Rancho Santa Margarita, Dove Canyon Planned Community in unincorporated Orange County, and the National Audubon Society Starr Ranch Sanctuary; and to the west by the City of Rancho Santa Margarita and the General Thomas F. Riley County Wilderness Park.

Existing development includes estate and custom lot residences, condominium developments, and single-family residences, an equestrian center, and two golf courses. As identified in Table 10-2, the County General Plan Housing Element notes that Coto de Caza is entitled for 6,268 dwelling units. Based on the development potential of the planned community, including the history of development patterns on the site, the County has estimated its development potential to be 4,558 units. As of 2004, 4,311 units have been constructed in Coto de Caza.

**TABLE 10-2
COTO DE CAZA SPECIFIC PLAN LAND USE SUMMARY**

Land Use	Dwelling Units	Acreage
Rural Residential	424	896
Low Density Residential	669	325
Medium Density Residential	4,141	1,008
High Density Residential	978	128
Commercial	56	117
Open Space	0	2,290
Roads	0	165
Total Dwelling Units	6,268	
Total Acreage		4,929
Source: Coto de Caza Specific Plan as amended August 8, 1995..		

The development regulations and standards set forth in the Coto de Caza Specific Plan are intended to achieve the following goals:

- Implement the policies and objectives of the Orange County General Plan;
- Provide, in conjunction with the land uses proposed and other development policies, guide for the orderly growth and development of the community;
- Establish conditions which will allow the land uses authorized to exist in harmony within the community and the environmental resources therein;
- Protect and enhance real property values of the overall community while providing a variety of housing opportunities; and
- Promote the stability of existing land uses where they are intended to remain and protect them from incompatible and harmful intrusions.

Consistency Determination

As noted above, future participants in the SAMP (including projects within the Coto de Caza Specific Plan that would impact USACE jurisdiction) would be subject to one of two proposed permitting procedures for projects outside of the RMV Planning Area:

- Proposed use of Letter of Permission (LOP) Procedures for other future qualifying permit applicants whose potential impacts on the Waters of the U.S. would be assessed through reliance on the SAMP at future points in time. Figure 1-3 in Chapter 1.0 identified the areas where LOP procedures may be used for qualifying applicants.

- Proposed Regional General Permit (RGP) for certain limited activities and the suspension of selected Nationwide Permits (NWP) for small-scale activities and ongoing maintenance activities within the SAMP Study Area but outside of the RMV Planning Area (see Figure 1-4 of Chapter 1.0).

Implementation of the proposed SAMP permitting procedures for projects within the Coto de Caza Specific Plan area affecting jurisdictional Waters of the U.S. would not adversely affect the goals of the Specific Plan. Permitting actions within the RMV Planning Area would not affect the Coto de Caza Specific Plan area.

10.2.3 CITY OF DANA POINT GENERAL PLAN

The City of Dana Point General Plan (adopted 1991, as amended) contains the following elements: Land Use; Urban Design, Housing, Circulation, Noise, Public Safety, Conservation/Open Space, Public Facilities/Growth Management, and Economic Development. Goals and policies of the General Plan, relevant to the proposed SAMP, are as follows:

10.2.3.1 Land Use Element

The City of Dana Point General Plan Land Use Element (July 9, 1991) serves as a guide for the allocation of land use in the City. The Land Use Element discusses that the City represents the “unification of three distinct pre-incorporation communities– Dana Point, Monarch Beach, and Capistrano Beach.” Implementation of the policies of the Land Use Element will be used to maintain and improve the quality of the City of Dana Point.

Goal 4: Encourage the preservation of the natural environmental resources of the City of Dana Point.

Policy 4.2: Consider the constraints of natural and man-made hazards in determining the location, type and intensities of new development. (Coastal Act/30240, 30253)

Policy 4.5: Consider the environmental impacts of development decisions. (Coastal Act/30240, 30241, 30242, 30243, 30244)

Policy 4.9: Encourage the preservation of significant natural areas as cohesive open space.

Consistency Determination

Proposed projects within the SAMP Study Area in the City of Dana Point that would affect jurisdictional Waters of the U.S. would be required to comply with the provisions of the proposed San Juan Creek and Western San Mateo Creek Watersheds SAMP. Implementation of the proposed SAMP permitting procedures (see above) for projects in the City of Dana Point affecting jurisdictional Waters of the U.S. would not adversely affect the applicable Dana Point General Plan Land Use Element goal related to the preservation of natural environmental resources. The purpose of a SAMP is to provide for reasonable economic development and the protection and long-term management of sensitive aquatic resources (biological and hydrological). To the extent feasible, federal Waters of the U.S., including wetlands, are avoided and unavoidable impacts are minimized and fully mitigated under the SAMP.

10.2.3.2 Conservation and Open Space Element

The City of Dana Point General Plan Conservation and Open Space Element (July 9, 1991) addresses the preservation and use of the City’s important natural resources and open space

areas. The element notes that a substantial portion of the City's natural open space and biological habitat has been replaced with urban development, but that there are significant areas that remain in a natural state. The conservation of open space and natural landforms can help to preserve the character of the area; future development should respect these natural features.

Goal 1: Conserve and protect surface water, groundwater and imported water resources.

Policy 1.1: Retain, protect and enhance local drainage courses, channels, and creeks in their natural condition, where feasible and desirable, in order to maximize their natural hydrologic functioning so as to minimize adverse impacts from polluted storm water run-off. (Coastal Act/30231)

Policy 1.2: Protect groundwater resources from depletion and sources of pollution.

Policy 1.4: Protect water quality by seeking strict quality standards and enforcement with regard to water imported into the County, and the preservation of the quality of water in the groundwater basin, streams, estuaries, and the ocean. (Coastal Act/30231)

Policy 1.5: Retain, maintain, protect, and enhance existing riparian habitat adjacent to drainage courses, channels, and creeks through methods such as, but not limited to, the establishment of buffer areas adjacent to such habitats. (Coastal Act/30231)

Policy 1.6: Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible to mitigate the loss of any riparian habitat and any downstream impacts, and shall be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat. (Coastal Act/30236)

Policy 1.7: Maintain and, where feasible, restore the biological productivity and the quality of coastal waters, creeks, and groundwater, appropriate to maintain optimum populations of marine organisms and to protect human health. Measures including, but not limited to, minimizing the adverse effects of waste water discharges, controlling runoff, preventing the depletion of ground water supplies, preventing substantial interference with surface water flow, maintaining vegetation buffer areas protecting riparian habitats, minimizing alteration of natural streams, and street sweeping, shall be encouraged. (Coastal Act/30231)

Policy 1.8: Coordinate with the appropriate Regional Water Quality Control Board, the County of Orange and other agencies and organizations in the implementation of the National Pollution Discharge Elimination System Permits (NPDES) regulations to minimize adverse impacts on the quality of coastal waters. (Coastal Act/30231)

Goal 2: Conserve significant topographical features, important watershed areas, resources, soils and beaches.

Policy 2.1: Place restrictions on the development of floodplain areas, beaches, sea cliffs, ecologically sensitive areas and potentially hazardous areas. (Coastal Act/30235, 30236, 30240, 30253)

Policy 2.3: Control erosion during and following construction through proper grading techniques, vegetation replanting, and the installation of proper drainage, and erosion control improvements. (Coastal Act/30243)

Policy 2.4: Require the practice of proper soil management techniques to reduce erosion, sedimentation, and other soil-related problems. (Coastal Act/30243)

Policy 2.5: Lessen beach erosion by minimizing any natural changes or man-caused activities which would reduce the replenishment of sand to the beaches. (Coastal Act/30235)

Policy 2.6: Encourage public acquisition of significant land resources for open space when funds or opportunities are available. (Coastal Act/30240)

Policy 2.8: Minimize risks to life and property, and preserve the natural environment, by siting and clustering new development away from areas which have physical constraints associated with steep topography and unstable slopes; and where such areas are designated as Recreation/Open Space or include bluffs, beaches, or wetlands, exclude such areas from the calculation of net acreage available for determining development intensity or density potential. (Coastal Act/30233, 30253)

Goal 3: Conserve significant natural plant and animal communities.

Policy 3.1: Environmentally sensitive habitat areas, including important plant communities, wildlife habitats, marine refuge areas, riparian areas, wildlife movement corridors, wetlands, and significant tree stands, such as those generally depicted on Figure COS-1 (of the City of Dana Point General Plan Conservation/Open Space Element) shall be preserved. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade those areas through such methods as, the practice of creative site planning, revegetation, and open space easement/dedications, and shall be compatible with the continuance of those habitat areas. A definitive determination of the existence of environmentally sensitive habitat areas on a specific site shall be made through the coastal development permitting process. (Coastal Act/30230, 30240)

Policy 3.2: Require development proposals in areas expected to contain important plant and animal communities and environmentally sensitive habitat areas, such as but not limited to marine refuge areas, riparian areas, wildlife movement corridors, wetlands, and significant tree stands, to include biological assessments and identify affected habitats. (Coastal Act/30230, 30240)

Policy 3.3: Encourage retention of natural vegetation and require revegetation of graded areas.

Policy 3.6: The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall only be permitted in accordance with Section 30233 of the Coastal Act. (Coastal Act/30233)

Policy 3.7: Environmentally sensitive habitat areas (ESHA) shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (Coastal Act/30240)

Goal 6: Encourage open space areas to preserve natural resources.

Policy 6.1: Mitigate the impacts of development on sensitive lands such as, but not limited to, steep slopes, wetlands, cultural resources, and environmentally sensitive habitat areas through the development review process. (Coastal Act/30233, 30240, 30244, 30253)

Consistency Determination

Proposed projects within the SAMP Study Area in the City of Dana Point that would affect jurisdictional Waters of the U.S. would be required to comply with the proposed San Juan Creek and Western San Mateo Creek Watersheds SAMP permitting procedures. Implementation of the proposed SAMP permitting procedures for projects in the City of Dana Point affecting jurisdictional Waters of the U.S. would not adversely affect the applicable Dana Point General Plan Conservation/Open Space Element goals related to the conservation and protection of water resources, conservation of watersheds, conservation of significant plant and wildlife resources, and preservation of natural resources. The USACE's mandate under the Clean Water Act is to maintain and restore the physical, chemical, and biological integrity of the nation's waters. The Section 404 (b)(1) Guidelines (40 CFR 230) stipulate that the USACE only authorize the least environmentally damaging practicable alternative. According to 40 CFR Part 230.10 Subpart B, an alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purpose. The purpose of a SAMP is to provide for reasonable economic development and the protection and long-term management of sensitive aquatic resources (biological and hydrological). To the extent feasible, federal Waters of the U.S., including wetlands, are avoided and unavoidable impacts are minimized and fully mitigated under the SAMP.

10.2.4 CITY OF LAGUNA HILLS GENERAL PLAN

The City of Laguna Hills General Plan (adopted June 28, 1994) has been organized into "chapters." These chapters are: Community Development and Design, Fiscal Management, Municipal Facilities and Services, Environmental Resources, Environmental Hazards and Implementation and Monitoring Programs. State-mandated issues that are required to be addressed are included in within each chapter as separate elements.

10.2.4.1 Environmental Resources

The City of Laguna Hills Environmental Resources chapter of the City of Laguna Hills General Plan states that as development of Laguna Hills approaches buildout, the role of environmental management will change from an emphasis on balancing the need to preserve significant environmental features and the benefits of growth and development to the need to wisely manage the ongoing use of resources. State mandated elements included in this chapter of the City of Laguna Hills General Plan are: Open Space; Air Quality; Biological Resources; Energy Resources; Water Resources; Mineral Resources; and Historic Resources.

Open Space Goal: Maintain an open space system that will conserve remaining natural resources.

Strategy A.2 (The Role of Open Space): Recognize Aliso Creek and Veeh Reservoir as important open space resources and coordinate with County Agencies to enhance their conservation value.

Strategy A.4 (Establishing Open Space Responsibility and Liability): Develop an Open Space Management Plan that provides a detailed inventory of all open space lands in the General Plan study area; an analysis of the physical and environmental opportunities and constraints for the development of individual sites; and conceptual plans for their ultimate use along with a comprehensive implementation plan of development and conservation.

Biological Resources Goal: Preserve critical biotic resources in place and work to maintain habitat values and biotic diversity within the Laguna Hills study area.

Strategy C.7 (Wetlands Alteration): Work with Federal, State, and regional agencies in an effort to comply with the requirements of the Federal and State Endangered Species Acts and Federal Clean Water Act in areas determined to be environmental sensitive.

Strategy C.8 (Aliso Creek Corridor): In coordination with strategies in the Open Space Element, recognize Aliso Creek and Veeh Reservoir as important biological resources and coordinate with County Agencies and adjacent property owners to enhance their conservation value.

Water Resources Goal: Availability of water to support the residents and businesses within the General Plan study area through a combination of water conservation, water reuse, and protection of groundwater quality.

Strategy E.1 (Protection of Water Resources): Continue to coordinate with the County of Orange in following the requirements of the County's National Pollutant Discharge Elimination System (NPDES) permit and implementation programs.

Consistency Determination

Proposed projects within the SAMP Study Area in the City of Laguna Hills that would affect jurisdictional Waters of the U.S. would be required to comply with the provisions of the proposed San Juan Creek and Western San Mateo Creek Watersheds SAMP. Implementation of the proposed SAMP permitting procedures (see above) for projects in the City affecting jurisdictional Waters of the U.S. would not adversely affect the applicable General Plan Environmental Resources Chapter goal related to the conservation of natural resources. The purpose of a SAMP is to provide for reasonable economic development and the protection and long-term management of sensitive aquatic resources (biological and hydrological). To the extent feasible, federal Waters of the U.S., including wetlands, are avoided and unavoidable impacts are minimized and fully mitigated under the SAMP.

The USACE's mandate under the Clean Water Act is to maintain and restore the physical, chemical, and biological integrity of the nation's waters. The Section 404 (b)(1) Guidelines (40 CFR 230) stipulate that the USACE only authorize the least environmentally damaging practicable alternative. The purpose of a SAMP is to provide for reasonable economic development and the protection and long-term management of sensitive aquatic resources (biological and hydrological). To the extent feasible, federal Waters of the U.S., including wetlands, are avoided and unavoidable impacts are minimized and fully mitigated under the SAMP.

10.2.5 CITY OF LAGUNA NIGUEL GENERAL PLAN

The City of Laguna Niguel General Plan (adopted August 4, 1992, as amended) contains the following elements: Land Use; Open Space/Parks/Conservation, Circulation, Public Facilities, Noise, Seismic/Public Safety, Housing, and Growth Management. Goals and policies of the General Plan, relevant to the proposed SAMP, are as follows:

10.2.5.1 Land Use Element

The City of Laguna Niguel General Plan Land Use Element (August 4, 1992) establishes goals, policies, and actions that give direction to land use development in the City of Laguna Niguel.

The General Plan notes that it is through the realization of the goals, policies, and corresponding implementation actions that the future land use pattern of Laguna Niguel will continue to be shaped.

Goal 5: Preservation and enhancement of the natural setting of the City.

Policy 5.3: Strive to maintain or improve the City's existing environmental quality.

Consistency Determination

Proposed projects within the SAMP Study Area in the City of Laguna Niguel that would affect jurisdictional Waters of the U.S. would be required to comply with the proposed San Juan Creek and Western San Mateo Creek Watersheds SAMP permitting procedures. Implementation of the proposed SAMP permitting procedures for projects in the City affecting jurisdictional Waters of the U.S. would not adversely affect the applicable General Plan Land Use Element goal to preserve and enhance the natural setting of the City. The purpose of a SAMP is to provide for reasonable economic development and the protection and long-term management of sensitive aquatic resources (biological and hydrological). To the extent feasible, federal Waters of the U.S., including wetlands, are avoided and unavoidable impacts are minimized and fully mitigated under the SAMP.

10.2.5.2 Open Space/Parks/Conservation Element

The purpose of the City of Laguna Niguel Open Space/Parks/Conservation Element (August 4, 1992) is to (1) assure the continued availability of predominately open land for the enjoyment of scenic beauty, for recreation, and for conserving natural resources; (2) guide development in order to make wise and prudent use of the City's natural, environmental, and cultural resources; (3) maintain and promote the cultural and archaeological heritage of the City; (4) maintain and enhance designated resource areas; (5) provide the foundation for a comprehensive open space management system involving all categories of open space; and (6) establish the basis for City collaboration with adjacent jurisdictions in broader open space and environmental resource management, including establishment of linkages with adjoining open space and trail systems.

Goal 5: Conservation of natural resource areas of community and regional significance.

Policy 5.1: Conserve sensitive species and plant communities and wildlife habitats to the maximum extent feasible through open space dedication and easements, creative site design, and other workable mitigation actions.

Policy 5.2: Recognize Aliso Creek, Sulphur Creek, and Salt Creek as important open space resources and cooperate where feasible to enhance their conservation value.

Goal 8: Conservation and enhancement of the Aliso Creek Corridor.

Policy 8.1: Cooperate with the County of Orange to maintain ecological balance by protecting infringement on those areas in and along Aliso Creek which have significant environmental value.

Policy 8.2: Cooperate with the County of Orange to conserve, and expand where possible riparian areas in the Aliso Creek area as sources of shelter and water for wildlife.

Policy 8.3: Cooperate with the County of Orange to conserve a continuous open space corridor along the Aliso Creek corridor in order to maintain animal migration opportunities and conserve natural and recreational resource values.

Goal 9: Conservation and enhancement of the Salt Creek Corridor.

Policy 9.2: Protect sensitive wildlife and plant life communities.

Policy 9.3: Retain appropriate portions, including wetland areas, of Salt Creek as a sustainable natural habitat.

Policy 9.4: Enhance wildlife habitat areas, where feasible.

Consistency Determination

Proposed projects within the SAMP Study Area in the City of Laguna Niguel that would affect jurisdictional Waters of the U.S. would be required to comply with the proposed San Juan Creek and Western San Mateo Creek Watersheds SAMP permitting procedures. Implementation of the proposed SAMP permitting procedures would not adversely affect the applicable General Plan Open Space/Parks/Conservation goals related to the conservation of natural resources, particularly wetland resources. The USACE's mandate under the Clean Water Act is to maintain and restore the physical, chemical, and biological integrity of the nation's waters. The Section 404 (b)(1) Guidelines (40 CFR 230) stipulate that the USACE only authorize the least environmentally damaging practicable alternative. According to 40 CFR Part 230.10 Subpart B, an alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purpose. The Section 404 (b)(1) Guidelines make a specific distinction between the basic and overall project purpose (40 CFR Part 230.10[a]). The broad objectives of the SAMP are to allow for comprehensive management of aquatic resources and to increase regulatory predictability for development and infrastructure projects that would impact aquatic resources. The specific SAMP Tenets provide a framework for aquatic resource conservation planning and the assessment of avoidance and minimization of impacts to aquatic resources.

10.2.6 CITY OF MISSION VIEJO GENERAL PLAN

The City of Mission Viejo General Plan (adopted October 8, 1990, as amended) contains the following elements: Land Use; Housing, Circulation, Conservation/Open Space, Public Safety, Noise, Public Facilities, Economic Development, and Growth Management. Goals and policies of the General Plan, relevant to the proposed SAMP, are as follows:

10.2.6.1 Land Use Element

The City of Mission Viejo General Plan Land Use Element (June 15, 1998) serves as a guide for future development in the City.

Goal 2.0: Establish a growth management and development program which avoids adverse public service, environmental or fiscal effects.

Policy 2.9: Designate compatible land uses for environmentally sensitive land areas.

Consistency Determination

Proposed projects within the SAMP Study Area in the City of Mission Viejo that would affect jurisdictional Waters of the U.S. would be required to comply with the proposed San Juan Creek and Western San Mateo Creek Watersheds SAMP permitting procedures. Implementation of the proposed SAMP permitting procedures for such projects in the City would not adversely affect the applicable Mission Viejo General Plan Land Use Element goal related to the avoidance of environmental effects. The purpose of a SAMP is to provide for reasonable economic development and the protection and long-term management of sensitive aquatic resources (biological and hydrological). To the extent feasible, federal Waters of the U.S., including wetlands, are avoided and unavoidable impacts are minimized and fully mitigated under the SAMP.

10.2.6.2 Conservation and Open Space Element

The City of Mission Viejo General Plan Conservation and Open Space Element (December 6, 1999) addresses the preservation and use of the City's important natural resources and open space areas.

Goal 1.0: Conserve the City's natural resources.

Policy 1.1: Protect groundwater and surface water quality by minimizing urban runoff and sedimentation into drainage courses.

Policy 1.2: Ensure compliance with the City's Master Plan of Drainage, requiring developers to comply with Non Point Discharge Elimination System runoff standards.

Policy 1.6: Utilize a development proposal review process to mitigate the impacts of development on sensitive lands such as steep slopes, wetlands, cultural resources, oak woodlands, and sensitive habitats.

Policy 1.9: Preserve sensitive plant and animal species, and their associated habitats.

Policy 1.10: Establish and manage wildlife habitat corridors within public parks and natural resource protection areas where appropriate to allow for wildlife use.

Goal 2.0: Protect open space areas to preserve natural resources.

Policy 2.2: Support preservation of portions of the Arroyo Trabuco as a prime bird nesting/foraging habitat and major wildlife movement corridor.

Policy 2.3: Support the preservation of the remaining prime bird nesting/foraging habitats in the City, particularly in the canyon areas and ridgelines.

Policy 2.4: Protect environmental sensitive buffering areas such as the area between Upper Oso Reservoir and O'Neill Regional Park.

Policy 2.5: Support the efforts of other agencies to preserve undisturbed portions of the O'Neill Regional Park identified as a sensitive habitat.

Consistency Determination

Proposed projects within the SAMP Study Area in the City of Mission Viejo that would affect jurisdictional Waters of the U.S. would be required to comply with the proposed San Juan Creek and Western San Mateo Creek Watersheds SAMP permitting procedures. Implementation of the proposed SAMP permitting procedures would not adversely affect the applicable General Plan Conservation and Open Space Element goals related to the conservation of natural resources, particularly wetland resources, and the protection of open space. The USACE's mandate under the Clean Water Act is to maintain and restore the physical, chemical, and biological integrity of the nation's waters. The Section 404 (b)(1) Guidelines (40 CFR 230) stipulate that the USACE only authorize the least environmentally damaging practicable alternative. According to 40 CFR Part 230.10 Subpart B, an alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purpose. The Section 404 (b)(1) Guidelines make a specific distinction between the basic and overall project purpose (40 CFR Part 230.10[a]). The broad objectives of the SAMP are to allow for comprehensive management of aquatic resources and to increase regulatory predictability for development and infrastructure projects that would impact aquatic resources. The specific SAMP Tenets provide a framework for aquatic resource conservation planning and the assessment of avoidance and minimization of impacts to aquatic resources.

10.2.7 CITY OF RANCHO SANTA MARGARITA GENERAL PLAN

The City of Rancho Santa Margarita General Plan (adopted December 2002) contains the following elements: Land Use; Economic Development, Circulation, Housing, Conservation/Open Space, Safety, and Noise. Goals and policies of the General Plan, relevant to the proposed SAMP, are as follows:

10.2.7.1 Land Use Element

The City of Rancho Santa Margarita General Plan Land Use Element (December 2002) is a guide to land use planning in the City. The element identifies the type and location of existing and future land uses in the City. The four major issues addressed by the goals, policies, and implementing actions of the City's Land Use Element are: balancing the mix of land use to ensure that revenue generation matches service provision responsibilities; controlling and directly future land use to complement and protect the quality of the existing community; ensuring that the reuse of U.S. Marine Corps Air Station El Toro is environmentally compatible with the existing community; and providing adequate public services and facilities for existing and future needs.

Goal 4: To the maximum extent practicable, reduce the discharge of pollutants and runoff flow from urban development.

Policy 4.1: To the maximum extent practicable, cause property owners or developers to minimize pollutant loading and flow velocity from new development projects and redevelopment projects during and after construction.

Policy 4.2: To the maximum extent practicable, limit development that disturbs natural water bodies and natural drainage systems.

Policy 4.3: To the maximum extent practicable, educate all who live, work and shop in the City to minimize activities that pollute urban runoff.

Policy 4.4: Post-development runoff from a site shall not contain pollutant loads that cause or contribute to exceedances of receiving water quality objectives and which have not been reduced to the maximum extent practicable.

Consistency Determination

Proposed projects within the SAMP Study Area in the City of Rancho Santa Margarita that would affect jurisdictional Waters of the U.S. would be required to comply with the proposed San Juan Creek and Western San Mateo Creek Watersheds SAMP permitting procedures. Implementation of the proposed SAMP permitting procedures would not adversely affect the applicable General Plan Land Use Element goal related to the reduction of discharge of pollutants and runoff flow from urban development.

10.2.7.2 Conservation and Open Space Element

The Rancho Santa Margarita Conservation/Open Space Element (adopted December 8, 2002) contain goals and policies to protect and maintain natural resources such as water, soils, wildlife, and minerals, and prevent wasteful resource exploitation and destruction. The Open Space element must address several open space categories, such as those used for the preservation of natural resources, outdoor recreation, as well as open space maintained for public health and safety. This last category of open space is addressed in the General Plan Safety Element.

Goal 1: Protect and enhance the significant ecological and biological resources within and surrounding the community.

Policy 1.1: Preserve ecological and biological resources by maintaining these resources as open space.

Policy 1.2: Continue to preserve the coast live oak woodlands in the City by retaining the habitat as open space.

Policy 1.3: Protect and enhance the creeks, lakes and adjacent wetlands for their value in providing visual amenity, habitat for wildlife and recreational opportunities.

Policy 1.4: Through land use planning, environmental review, and conditions placed on development projects, reduce the impact of urban development on important ecological and biological resources, including the beneficial uses of receiving waters.

Goal 2: Maintain community character and identity by protecting the City's scenic resources and vistas.

Policy 2.1: Maintain scenic resources, such as the City's hillsides, ridgelines and surface water resources as open space.

Goal 4: Promote a safe supply of potable water for community uses.

Policy 4.1: Coordinate water quality programs with responsible local, regional, state and federal agencies.

Policy 4.2: Participate in applicable and enforceable local, regional, state, and federal efforts to protect and enhance potable water quality.

Policy 4.3: Encourage the development of new water sources, and encourage efforts for development of new water sources by the Santa Margarita and Trabuco Canyon Water Districts.

Goal 5: Protect the beneficial uses of ground and surface waters.

Policy 5.1: To the maximum extent practicable, adopt and enforce regulations and engage in educational efforts to eliminate pollution from urban runoff.

Policy 5.2: Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones.

Policy 5.3: Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways, and bridges.

Consistency Determination

Proposed projects within the SAMP Study Area in the City of Rancho Santa Margarita that would affect jurisdictional Waters of the U.S. would be required to comply with the proposed San Juan Creek and Western San Mateo Creek Watersheds SAMP permitting procedures. Implementation of the proposed SAMP permitting procedures would not adversely affect the applicable General Plan Conservation/Open Space Element goals related to the protection and enhancement of ecological, biological, and natural visual resources, and the protection of water resources. The USACE's mandate under the Clean Water Act is to maintain and restore the physical, chemical, and biological integrity of the nation's waters. The Section 404 (b)(1) Guidelines (40 CFR 230) stipulate that the USACE only authorize the least environmentally damaging practicable alternative. The broad objectives of the SAMP are to allow for comprehensive management of aquatic resources and to increase regulatory predictability for development and infrastructure projects that would impact aquatic resources. The specific SAMP Tenets provide a framework for aquatic resource conservation planning and the assessment of avoidance and minimization of impacts to aquatic resources.

10.2.7.3 Safety Element

The City of Rancho Santa Margarita Safety Element (December 2002) establishes goals, policies, and a plan to ensure that there is an adequate, coordinate, and expedient response to public safety concerns.

Goal 1: Reduce the risk to the community from hazards related to geologic conditions, seismic activity, wildfires, structural fires, and flooding.

Policy 1.6: Avoid development of areas that are particularly susceptible to erosion and sediment loss.

Consistency Determination

Proposed projects within the SAMP Study Area in the City of Rancho Santa Margarita that would affect jurisdictional Waters of the U.S. would be required to comply with the proposed San Juan Creek and Western San Mateo Creek Watersheds SAMP permitting procedures. Implementation of the proposed SAMP permitting procedures would not adversely affect the applicable General Plan Safety Element goal, particularly related to erosion and sediment loss. The USACE's mandate under the Clean Water Act is to maintain and restore the physical, chemical, and biological integrity of the nation's waters and takes into consideration sediment processes and transport, as addressed in this SAMP EIS.

10.2.8 CITY OF SAN CLEMENTE GENERAL PLAN

The City of San Clemente General Plan (adopted May 6, 1993) contains the following elements: Land Use, Urban Design, Economic Development, Circulation, Scenic Highways, Utilities, Public Facilities and Services, Parks and Recreation, Growth Management, Natural and Historic/Cultural Resources, Energy Conservation, Geologic, Seismic, and Soils Hazards, Natural Hazards, Noise, Hazardous Materials and Uses, and Nuclear. Goals and policies of the General Plan, relevant to the proposed SAMP, are as follows:

10.2.8.1 Land Use Element

The City of San Clemente General Plan Land Use Element (adopted May 6, 1993, as amended) identifies goals, objectives, and policies to authorize the type and mix of land uses which are to be permitted in the City and its Sphere of Influence and establish the framework for the City's urban form and development pattern in which the land uses will be developed.

Goal: Provide for the appropriate mix and type of land uses which serve the needs of existing and future residents and achieve a pattern and distribution of land uses which:

- a. retain and enhance established residential neighborhoods, commercial and industrial districts, recreational resources, community-activity areas and amenities, and open spaces;
- b. provide for the revitalization, adaptive re-use, and upgrade of deteriorated neighborhoods and districts;
- c. allow for the intensification of commercial and industrial districts to maintain economic stability;
- d. provide opportunities for new residential, commercial, and employee generating uses in undeveloped areas within the capacities of infrastructure and public services;
- e. preserve and enhance coastal recreation, resources, and amenities;
- f. protect and maintain significant environmental resources;
- g. provide distinctive residential neighborhoods and commercial and industrial districts;
- h. provide a diversity of areas characterized by differing functional activities and scales and intensity of use;
- i. locate commercial, public services, recreation, and jobs in proximity to residents and businesses; and
- j. maintain San Clemente as a unique and distinctive place in southern Orange County and the greater region.

Objective 1.1: Ensure that lands are designated to accommodate a balance of uses which provide for the housing, commercial, employment, educational, recreational, cultural, social, and esthetic needs of the residents; and to maintain the City's significant environmental resources.

Objective 1.9: Preserve open spaces for the City's residents which provide visual relief, amenity, and recreational opportunities, protect environmental resources, protect the population from environmental hazards, and are in balance with new development.

Goal: Ensure the protection and maintenance of environmental resources.

Objective 1.31: Provide that the new development is sited and designed to protect significant environmental resources and that impacts are adequately mitigated.

Objective 1.32: Ensure that localized conditions which contribute to regional environmental impacts are adequately regulated.

Consistency Determination

Proposed projects within the SAMP Study Area in the City of San Clemente that would affect jurisdictional Waters of the U.S. would be required to comply with the proposed San Juan Creek and Western San Mateo Creek Watersheds SAMP permitting procedures. Implementation of the proposed SAMP permitting procedures would not adversely affect the applicable General Plan Land Use Element goals related to the protection and maintenance significant environmental resources. The USACE's mandate under the Clean Water Act is to maintain and restore the physical, chemical, and biological integrity of the nation's waters. The Section 404 (b)(1) Guidelines (40 CFR 230) stipulate that the USACE only authorize the least environmentally damaging practicable alternative. The broad objectives of the SAMP are to allow for comprehensive management of aquatic resources and to increase regulatory predictability for development and infrastructure projects that would impact aquatic resources. The specific SAMP Tenets provide a framework for aquatic resource conservation planning and the assessment of avoidance and minimization of impacts to aquatic resources.

10.2.8.2 Growth Management Element

The City of San Clemente Growth Management Element considers the significant growth management opportunities and constraints affecting the City of San Clemente.

Goal: Provide the appropriate amount of designated open space within the City, both active and passive, as identified and required through the General Plan, specific plans and other applicable documents. To minimize the impact of development on existing ridgelines and designated natural open space areas in order to provide for the open space needs of the residents and community.

Policy 9.5.1: Incorporate text with the Conservation/Open Space element of the General Plan and Specific Plans and apply conditions through discretionary actions ensuring that the existing 4,227 acres of designated open space be maintained.

Consistency Determination

Proposed projects within the SAMP Study Area in the City of San Clemente that would affect jurisdictional Waters of the U.S. would be required to comply with the proposed San Juan Creek and Western San Mateo Creek Watersheds SAMP permitting procedures. Implementation of the proposed SAMP permitting procedures would not adversely affect the applicable General Plan Growth Management Element goals related to the minimization of impacts of development on existing ridgelines and designated natural open space areas. The USACE's mandate under the Clean Water Act is to maintain and restore the physical, chemical, and biological integrity of the nation's waters. The Section 404 (b)(1) Guidelines (40 CFR 230) stipulate that the USACE

only authorize the least environmentally damaging practicable alternative. The broad objectives of the SAMP are to allow for comprehensive management of aquatic resources and to increase regulatory predictability for development and infrastructure projects that would impact aquatic resources. The specific SAMP Tenets provide a framework for aquatic resource conservation planning and the assessment of avoidance and minimization of impacts to aquatic resources.

10.2.8.3 Natural and Historic/Cultural Resources

The City of San Clemente's Natural and Historic/Cultural Resources Element addresses the protection and preserving of significant plant and wildlife; the preservation of coastal bluffs, ridgelines, canyons and significant public views; and ensures that historically and archaeologically significant resources are protected to preserve its inherent historic value(s).

Goal: Protect and preserve significant plant and wildlife species, which exist in the City and sphere of influence, where possible.

Objective 10.1: Balance the preservation of the City's habitat areas with new development.

Consistency Determination

As previously addressed, the USACE's mandate under the Clean Water Act is to maintain and restore the physical, chemical, and biological integrity of the nation's waters. The Section 404 (b)(1) Guidelines (40 CFR 230) stipulate that the USACE only authorize the least environmentally damaging practicable alternative. The broad objectives of the SAMP are to allow for comprehensive management of aquatic resources and to increase regulatory predictability for development and infrastructure projects that would impact aquatic resources. The specific SAMP Tenets provide a framework for aquatic resource conservation planning and the assessment of avoidance and minimization of impacts to aquatic resources. The SAMP would not preclude the City of San Clemente from implementing the goals and objectives of the General Plan Natural and Historic/Cultural Resources Element.

10.2.9 CITY OF SAN JUAN CAPISTRANO GENERAL PLAN

The City of San Juan Capistrano General Plan (adopted May 7, 2002) contains the following elements: Land Use; Housing, Circulation, Safety, Conservation & Open Space, Noise, Cultural Resources, Community Design, Growth Management, Parks & Recreation, Public Services & Utilities, and Floodplain. Goals and policies of the General Plan, relevant to the proposed SAMP, are as follows:

10.2.9.1 Conservation and Open Space Element

The San Juan Capistrano Conservation and Open Space Element (adopted May 7, 2002) contain goals and policies to protect and maintain natural resources such as water, soils, wildlife and minerals, and prevent wasteful resource exploitation, degradation and destruction, as well as open space goals and policies to manage open space areas, including undeveloped lands and outdoor recreation areas. It must address several open space categories such as those used for the preservation of natural resources and managed production of resources, as well as open space maintained for public health and safety reasons. The Conservation and Open Space Element expresses community goals to protect environmental resources and open space.

Goal 2: Protect and preserve important ecological and biological resources.

Policy 2.1: Use proper land use planning to reduce the impact of urban development on important ecological and biological resources.

Policy 2.2: Preserve important ecological and biological resources as open space.

Policy 2.3: Develop open space uses in an ecologically sensitive manner.

Goal 7: Protect water quality.

Policy 7.3: Conserve and protect watershed areas.

Consistency Determination

Proposed projects within the SAMP Study Area in the City of San Juan Capistrano that would affect jurisdictional Waters of the U.S. would be required to comply with the proposed San Juan Creek and Western San Mateo Creek Watersheds SAMP permitting procedures. Implementation of the proposed SAMP permitting procedures for projects in the City affecting jurisdictional Waters of the U.S. would not adversely affect the applicable General Plan Conservation & Open Space Element goals related to the protection and preservation of ecological and biological resources and water quality. The purpose of a SAMP is to provide for reasonable economic development and the protection and long-term management of sensitive aquatic resources (biological and hydrological). To the extent feasible, federal Waters of the U.S., including wetlands, are avoided and unavoidable impacts are minimized and fully mitigated under the SAMP.

10.2.9.2 Floodplain Management Element

The Floodplain Management Element (December 14, 1999) identifies the existing creeks and floodplains within the City, recreational opportunities within the floodplains, and recommendations for improvements to the channels and creek beds to protect life and property from floodwaters. The element contains specific goals and standards to guide the preservation of the floodplains and the provision and management of recreational opportunities within them for the current and future residents of San Juan Capistrano.

Goal 2: Preserve and enhance the natural character of the creeks and their floodplains.

Policy 2.1: Use environmentally sensitive treatments where creek improvements are necessary to preserve wetlands.

Policy 2.2: Enhance and/or restore the creeks and their floodplains as part of private development projects and public works projects.

Consistency Determination

Implementation of the proposed SAMP permitting procedures would not adversely affect the applicable General Plan Floodplain Management Element goal to preserve and enhance the natural character of creeks and related floodplains. The USACE's mandate under the Clean Water Act is to maintain and restore the physical, chemical, and biological integrity of the nation's waters. The Section 404(b)(1) Guidelines (40 CFR 230) stipulate that the USACE only authorize the least environmentally damaging practicable alternative. The broad objectives of the SAMP are to allow for comprehensive management of aquatic resources and to increase

regulatory predictability for development and infrastructure projects that would impact aquatic resources. The specific SAMP Tenets provide a framework for aquatic resource conservation planning and the assessment of avoidance and minimization of impacts to aquatic resources.