

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



TH 19b

Addendum

April 4, 2008

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item 19b**, Coastal Commission Permit Application
#6-07-108 (San Diego Airport Landfill), for the Commission Meeting of
April 10, 2008.

Since the staff report was written, Commission staff have conferred with the applicant's biological consultant and determined that the amount of wetlands on the site is 0.03 acres, not 0.1 acres as indicated by the original biological survey. In addition, the applicant has now identified a mitigation site to compensate for the loss of the 0.03 acres of wetlands on the landfill remediation site. Therefore, staff recommends the following changes be made to the above-referenced staff report:

1. All references to the 0.1-acre wetland shall be revised to a 0.03-acre wetland.
2. On page 2, the first complete paragraph of staff notes shall be revised as follows:

Given that the wetlands are fairly small in size, degraded, and isolated, removal of the wetlands to protect and improve water quality is, on balance, more protective of environmental resources than leaving the wetland in place. However, mitigation for the proposed impacts to wetlands is still required. ~~In discussions with staff, the Airport Authority has expressed a willingness to mitigate for these impacts, but no mitigation site has been identified.~~ Therefore, Special Conditions require provision of mitigation in the form of creation of new wetlands at a 4:1 ratio. ~~Because a mitigation site has not yet been identified, the mitigation plan must be approved through an amendment to this permit.~~ The Airport has identified a mitigation site at a drainage swale located on airport property east of McCain Road, north of Spruance Road. The preliminary plan suggests that approximately 9,250 sq.ft. of new wetlands could be created, well over the 5,230 sq.ft. that would be required for a 4:1 mitigation ratio. The Commission's ecologist has reviewed the preliminary mitigation plan and determined that the proposed mitigation, at a minimum 4:1 ratio, will adequately compensate for the loss of the on-site wetlands.

3. On page 3, Special Condition #1 shall be revised as follows:

1. Final Wetlands Mitigation Plans. ~~The final wetland mitigation plan for the 0.1 acres of seasonal freshwater pond impacts associated with the approved project shall require review and approval of an amendment to this coastal development permit, **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT.**~~

- ~~a. A detailed site plan of the mitigation site, which shall be located within the Coastal Zone and the San Diego Bay watershed unless the applicants, in consultation with the resources agencies, determine such mitigation is infeasible and another offsite wetlands system must be utilized.~~

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final wetland mitigation plan for all impacts associated with the proposed project. The final mitigation plan shall be developed in consultation with the California Department of Fish and Game and/or the U.S. Fish & Wildlife Service (“resources agencies”), and be in substantial conformance with the mitigation plan submitted March 25, 2008 by URS Corporation and at a minimum shall include:

- a. Preparation of a detailed site plan of the riparian wetland impact area, clearly delineating all areas and types of impact (both permanent and temporary), and identification of the exact acreage of each impact so identified. In addition, a detailed site plan of the mitigation site shall also be included.
- b. Preparation of a baseline ecological assessment of the impact area(s) and any proposed mitigation sites prior to initiation of any activities. Such assessment shall be completed by a qualified biologist and at a minimum shall include quantified estimates of the biological resources and habitat types at each site, description of the functions of these resources and habitats and the associated values. Results of the ecological assessment of the wetland impact area shall form the basis of the goals, objectives, and performance standards for the mitigation project.
- c. The mitigation plan shall include clearly defined goals, objectives, and performance standards for the mitigation project. Each performance standard shall state in quantifiable terms the level and/or extent of the attribute necessary to reach the goals and objectives. ~~Sustainability of the attributes should be a part of e~~Every performance standard should be designed to ensure the long-term sustainability of the restored wetland.
- d. All wetland impacts shall be mitigated at a ratio of not less than four to one (4:1). That is, for each square foot of impact associated with the project, there shall be four new square feet of wetlands created. In addition, said mitigation shall only involve upland habitat suitable for conversion to wetlands. Final monitoring for success shall take place no sooner than 3 years after the end of all remediation and maintenance activities other than weeding.
- e. Mitigation shall occur prior to or concurrent with the approved remediation.

4. On page 6, the following shall be added as new Special Conditions #6 and #7:

6. Open Space Restriction. No development, as defined in section 30106 of the Coastal Act shall occur in the area generally described as the swale on the east side of McCain Road, north of Spruance Road, between the perimeter security fence on the west, and a jet blast fence on the east, as depicted in an exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:

a. Planting of wetland vegetation for mitigation as provided for in Special Condition #1 of this permit.

b. **PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit #8 attached to the staff report addendum dated April 4, 2008.

7. Future Conveyance of Landfill or Mitigation Site. **PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director and recorded free of prior liens or encumbrances that could affect the wetlands mitigation area: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

5. On page 13 and through to page 14, the first several paragraphs under **Biological Resources** shall be revised as follows:

The site is mostly bare dirt, but there is some existing vegetation. The EIR determined there are five vegetation types on the ground, including disturbed

wetland, baccharis scrub, non-native grassland, non-native vegetation, and disturbed habitat, as shown below in Table 4.8-1 from the EIR.

Vegetation Community	Acres(s)
Disturbed wetland	0.1
Baccharis scrub (including disturbed)	0.5
Non-native grassland	1.1
Non-native vegetation	0.8
Disturbed habitat	31.7
TOTAL	34.2

The Baccharis scrub found on the site is an upland community subtype of coastal sage scrub, and is dominated by broom baccharis. The Commission’s staff ecologist, John Dixon, has determined that this isolated patch of vegetation is not ESHA, and no significant impacts to the biological productivity of the area will result from its removal.

The disturbed wetland within the project site occurs where water ponds due to human-induced changes in the landscape. The ~~0.1~~ 0.03-acre area of vegetation is dominated by non-native wetland species such as rabbitfoot grass, grass poly, white sweet clover, prickly lettuce and English plantain. The Commission’s staff ecologist John Dixon has reviewed the wetlands delineation and biological survey reports submitted by the applicant and determined that the habitat, while man-made, is a seasonal freshwater pond and is subject to the restrictions and requirements of Section 30233 of the Coastal Act.

Since the Commission’s ecologist made the initial determination that the habitat constitutes a wetland, the applicant submitted an additional biological study disagreeing with that conclusion (Glenn Lukos Associates, 3/11/08). However, Dr. Dixon has reviewed the additional study, and identified several significant flaws in it; thus, the original determination that the area is a wetland remains valid. However, after working further with the applicant’s biologist, Dr. Dixon has concluded that given the mosaic of vegetation types and soils on the site, the amount of wetlands is actually 0.03 acres, not 0.1 as it was originally determined.

6. The paragraph beginning on page 14 and continuing to page 15 shall be revised as follows:

~~In discussions with Commission staff, the applicant has indicated a willingness to provide some form of mitigation to minimize the adverse impacts to the wetlands, but no mitigation has been offered at this time.~~ Providing on-site mitigation on the landfill itself would not be feasible, given that the site is highly disturbed and isolated from any surrounding habitat. It is probable that the only reason the vegetation has arisen in the location it has is that it is a low point on the site, and the regrading of the

site to remediate the landfill will likely prevent any vegetation from being supported on the site. However, the applicant has identified a nearby drainage swale where additional wetlands can be created. The preliminary mitigation plan submitted indicates that approximately 9,250 sq.ft. of new wetlands could be created, well over the 5,230 sq.ft. that would be required for a 4:1 mitigation ratio. The Commission's ecologist has reviewed the preliminary mitigation plan and determined that the proposed mitigation, at a 4:1 ratio, will adequately compensate the loss of the on-site wetlands.

Thus, Special Condition #1 requires submittal of a mitigation plan approved by the Department of Fish and Game (DFG) and U.S. Fish and Wildlife Service that incorporates the creation of wetlands at a rate that is no less than 4:1. ~~The condition requires the applicant to apply for an amendment to the subject coastal development permit when the site is identified so that the Commission can be assured the offsite location is consistent with the requirements of the Coastal Act.~~ To assure the success of the mitigation plan, Special Condition #2 requires the submission of a detailed monitoring and reporting plan to evaluate the performance of the mitigation and which requires future maintenance if the performance standards are not met. Special Condition #6 requires that the mitigation site be preserved as open space. Special Condition #7 requires that should the Airport Authority ever transfer title of the landfill or mitigation site, the special conditions of the permit must be recorded as a deed restriction on the property to ensure subsequent property owners are aware of the conditions and restrictions on the site. Thus, as conditioned, the design of the project can be found to be the least environmentally-damaging alternative, and adequate mitigation will be provided.

7. The attached Exhibit #8 - Proposed Mitigation Site, shall be added to the staff report.

Th19b

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATION

Date and time of communication: March 19, 2008

(For messages sent to a Commissioner
by mail or facsimile or received as a
telephone or other message, date
time of receipt should be indicated.)

Location of communication: Telephone

Person (s) initiating communication: Andi Culbertson on behalf of San Diego Regional
Airport Authority (SDRAA)

Person (s) receiving communication: Commissioner Dave Potter
Name or description of project: San Diego Regional Airport Authority, remediation
project-Item 19B on Thursday, April 10, 2008

Detailed substantive description of content of communication:

(If communication included written material, attach a copy of the complete text of the written
material.)

Ms. Culbertson reports: SDRAA is the owner of a parcel of land within the Lindbergh Field
airport property. This land was originally granted from the Naval Training Center to the Port of
San Diego at the time it owned the airport. The Reuse Plan prepared by the Navy for the
Reuse Plan designated this site for airport uses. The site contains a large municipal solid waste
landfill and a burned waste ash deposit which predates the Naval Training Center acquisition in
1975.

The SDRAA and its predecessors have managed the old landfill site through placement of clean
fill, avoidance of ponding, and other strategies designed to prevent and/or minimize migration
of contaminants present on site. The Regional Water Quality Control Board has issued several
violation orders to the SDRAA to prevent ponding over the years. The SDRAA wishes to
remove the buried waste and remediate the site. As declared in the Reuse EIR/EIS, the site
will ultimately be used for expansion of the Airport should the Master Plan receive approval
from all agencies with jurisdiction over the decision. However, even if the site is not used for
airport uses, the site should be remediated for environmental reasons.

At the time of this communication the staff report had not yet been issued. However, Ms.
Culbertson anticipates an issue regarding whether a wetland has developed on site as a result
of the placement of fill, and whether even if the area is considered wetland, the CCC should
approve the project under the balancing/conflict resolution provisions of Coastal Act §30007.5.
Ms. Culbertson believes that detailed study recently conducted shows that the area is not a
wetland. However, even if it is, the environmental improvement of removing all of the landfill
such that contaminants do not migrate in her view outweighs the preservation of the wetland
identified in the CCC report of January 10, 2008 (Item 24d). Ms. Culbertson anticipates
another communication at the time of publication of the staff report.

Ex Parte Communications

13

Date 3.26.08

Signature on File
Signature of Commissioner

If the communication was provided at the same to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the Commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

A

Th 19b

EX PARTE

Date and time: March 17, 2008 10 a.m
Location of communication: K and S Ranch,
Person initiating communication: Andi Culbertson on behalf of San Diego Regional Airport Authority (SDRAA)
Person receiving communication: Commissioner Steve Blank
Project: San Diego Regional Airport Authority, remediation project-Item 19B on Thursday, April 10, 2008

The airport can't build its new passenger terminal if: 1) unless the ground is remediated 2) if the commission finds there is a wetland on it.

The parcel is in the Lindbergh Field airport. This land was originally granted from the Naval Training Center to the Port of San Diego at the time it owned the airport. The site contains a large municipal solid waste landfill and a burned waste ash deposit which predates the Naval Training Center acquisition in 1975.

The SDRAA and its predecessors have managed the old landfill site through placement of clean fill, avoidance of ponding, and other strategies designed to prevent and/or minimize migration of contaminants present on site. The Regional Water Quality Control Board has issued several violation orders tot SDRAA to prevent ponding over the years. The SDRAA wishes to remove the buried waste and remediate the site. As declared in the Reuse EIR/EIS, the site will ultimately be used for expansion of the Airport should the Master Plan receive approval from all agencies with jurisdiction over the decision. However, even if the site is not used for airport uses, the site should be remediated for environmental reasons.

Ms. Culbertson anticipates an issue regarding whether a wetland has developed on site as a result of the placement of fill, and whether even if the area is considered wetland, the CCC should approve the project under the balancing/conflict resolution provisions of Coastal Act §30007.5. Ms. Culbertson believes that detailed study recently conducted shows that the area is not a wetland. However, even if it is, the environmental improvement of removing all of the landfill such that contaminants do not migrate in her view outweighs the preservation of the wetland identified in the CCC report of January 10, 2008 (Item 24d).

March 24, 2008

Signature on File

Date

Signature of Commissioner

15

3/31/2008 10:21 AM FROM: FAX TO: 1 415 357-3839 PAGE: 001 OF 001

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Th 19b APR 02 2008

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project: Application No. 6-07-108 (SD County Regional Airport Authority, San Diego)

Time/Date of communication: March 31, 2008, 10am

Location of communication: 22350 Carbon Mesa Rd, Malibu

Person(s) initiating communication: Andi Culbertson

Person(s) receiving communication: Sara Wan

Type of communication: phone call

SD Regional Airport Authority- short history of the Authority- run Linberg Field
Port Granted land through base closure process- former NTC area
Wish to clean up and remediate the site
Claim no ponding on the site, is a plant that might be an indicator- Tony does not believe this meets the definition of wetlands- Dixon does not agree
John Dixon looked at field work- should have the hand written notes- questions how data was collected. Issue is how large the delineation should be.
Staff recommended balancing-which is appropriate
On the mitigation- letter from Regional Airport- object to a 4:1 ratio-plants existing would be required to be removed because they are not on an approved plant list- they are facultative- They will send the report submitted
Can create a drainage swale at edge of airport to use for this which is big enough but no buffer can be created. I expressed concerns about wetlands attracting birds near a runway
On-site vs off-site- staff leaves it open and I think they need to discuss this with staff
I want to see the appropriate mitigations, whether on or off site
Discussed issues of timing if this is not on-site

Signature on File

Date: March 31, 2008

Sara Wan

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FAX No. 707 445 7299

P. 009

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Th 19b APR 02 2008

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Date and time of communication: March 27, 2008
(For messages sent to a Commissioner
by mail of facsimile or received as a
telephone or other message, date
time of receipt should be indicated.)

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CALIFORNIA
COASTAL COMMISSION

Location of communication: Telephone

Person (s) initiating communication: Andi Culbertson on behalf of San Diego Regional
Airport Authority (SDRAA)

Person (s) receiving communication: Commissioner Bonnie Neely
Name or description of project: San Diego Regional Airport Authority, remediation
project-Item 19B on Thursday, April 10, 2008

Detailed substantive description of content of communication:

(If communication included written material, attach a copy of the complete text of the written
material.)

Ms. Culbertson reports: SDRAA is the owner of a parcel of land within the Lindbergh Field
airport property. This land was originally granted from the Naval Training Center to the Port of
San Diego at the time it owned the airport. The Reuse Plan prepared by the Navy for the
Reuse Plan designated this site for airport uses. The site contains a large municipal solid waste
landfill and a burned waste ash deposit which predates the Naval Training Center acquisition in
1975.

The SDRAA and its predecessors have managed the old landfill site through placement of clean
fill, avoidance of ponding, and other strategies designed to prevent and/or minimize migration
of contaminants present on site. The Regional Water Quality Control Board has issued several
violation orders to the SDRAA to prevent ponding over the years. Ponding is also prevented in
the area preliminarily identified as wetlands. The SDRAA wishes to remove the buried waste
and remediate the site. As declared in the Reuse EIR/EIS, the site will ultimately be used for
expansion of the Airport should the Master Plan receive approval from all agencies with
jurisdiction over the decision. However, even if the site is not used for airport uses, the site
should be remediated for environmental reasons.

The staff report recommends balancing, with mitigation at 4:1 for the .03 acre of wetland that
staff believes is present on site. However, discussions are continuing with staff and SDRAA
biologists to determine if additional information results in a "no wetland" finding. Even if the
area is considered wetland, the CCC should approve the project under the balancing/conflict
resolution provisions of Coastal Act §30007.5. Ms. Culbertson believes that detailed study
recently conducted shows that the area is not a wetland. Ms. Culbertson notes that the plants
in question in the disputer area are in fact the types of plants that would have to be removed
in a wetland restoration project. Ms. Culbertson also believes a 4:1 mitigation area is
excessive for this marginal feature even if the CCC concludes it is a wetland, and no mitigation
program should impose a buffer. The area provided is 9200+ square feet, and 4:1 is

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approximately 5200+ square feet. The area of mitigation would also provide water quality benefits by creating a swale to intercept sheet flows.

However, even if it is a wetland, the environmental improvement of removing all of the landfill such that contaminants do not migrate in her view outweighs the preservation of the wetland identified in the CCC report of January 10, 2008 (Item 24d). The SDRAA has purchased over 836 acres at a cost of \$20 million for the San Diego Wildlife Refuge. Ms. Culbertson believes that this demonstrates a larger commitment on behalf of SDRAA that should be taken into account with this remediation project.

3-27-08
Date

Signature on File
Signature of Commissioner [Signature]

If the communication was provided at the same to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

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RECEIVED: 4/7/08 8:50PM: CALIFORNIA COASTAL COMMISSION: #7432: PAGE 1

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Drs. Dan & Mary Secord

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P. 1

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION

Th 19b
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CALIFORNIA
COASTAL COMMISSION
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APR 07 2008

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Date and time of communication: March 25, 2008
(For messages sent to a Commissioner
by mail or facsimile or received as a
telephone or other message, date
time of receipt should be indicated.)

Location of communication: Telephone

Person (s) initiating communication: Andi Culbertson on behalf of San Diego Regional
Airport Authority (SDRAA)

Person (s) receiving communication: Commissioner Dan Secord

Name or description of project: San Diego Regional Airport Authority, remediation
project-Item 19B on Thursday, April 10, 2008

Detailed substantive description of content of communication:

(If communication included written material, attach a copy of the complete text of the written
material.)

Ms. Culbertson reports: SDRAA is the owner of a parcel of land within the Lindbergh Field
airport property. This land was originally granted from the Naval Training Center to the Port of
San Diego at the time it owned the airport. The Reuse Plan prepared by the Navy for the
Reuse Plan designated this site for airport uses. The site contains a large municipal solid waste
landfill and a burned waste ash deposit which predates the Naval Training Center acquisition in
1975.

The SDRAA and its predecessors have managed the old landfill site through placement of clean
fill, avoidance of ponding, and other strategies designed to prevent and/or minimize migration
of contaminants present on site. The Regional Water Quality Control Board has issued several
violation orders to the SDRAA to prevent ponding over the years. The SDRAA wishes to
remove the buried waste and remediate the site. As declared in the Reuse EIR/EIS, the site
will ultimately be used for expansion of the Airport should the Master Plan receive approval
from all agencies with jurisdiction over the decision. However, even if the site is not used for
airport uses, the site should be remediated for environmental reasons.

Ms. Culbertson reports that the staff treats a small area on site -- 0.03 acres -- as a wetland
based only on a tiny distribution of a plant that is both an upland and wetland plant. Ms.
Culbertson supports the staff reports use the balancing/conflict resolution provisions of Coastal
Act §30007.5. The environmental improvement of removing all of the landfill such that
contaminants do not migrate in her view outweighs the preservation of the wetland identified
in the CCC report of January 10, 2008 (Item 24d). In addition, Ms. Culbertson believes that
the mitigation requirement of Condition 1 is not necessary, and is in any event too large a
ration for the amount of impact and the character of the "wetland". The SDRAA is able to
provide a large swale -- quite a bit more than the 4:1 ratio -- but it is at the edge of the
property. Ms. Culbertson believes that even if the Commission finds there is a very small
wetland as proposed by staff at the time of this writing, the mitigation offered by the SDRAA is

415 357-3039

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RECEIVED: 4/ 4/08 6:51PM; ->CALIFORNIA COASTAL COMMISSION; #482; PAGE 2

Apr 04 08 05:54p

Drs. Dan & Mary Secord

805 682 3756

p. 2

sufficient. Ms. Culbertson reports that the staff intend to issue an Addendum, and that she and airport staff are working with CCC staff towards a resolution.

4-4-08
Date

Signature on File
[Signature]
Signature of Commissioner

If the communication was provided at the same to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

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SAN DIEGO COAST DISTRICT

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RECEIVED: 4/ 4/08 6:51PM: ->CALIFORNIA COASTAL COMMISSION; #132; PAGE 3
Apr 04 08 05:54p Drs. Dan & Mary Secord 805 882 3756

P. 3
Page 1 of 1

Th19b

Dan B. Secord, M.D.

From: Andi Culbertson [mac@aculbertsonlaw.com]
Sent: Friday, April 04, 2008 2:28 PM
To: pkruer@mpnarchgroup.com; 'Mike Reilly'; forelc@cox.net; 'Khatchik Achadjian'; Dan B. Secord, M.D.; 'Dave Potter'; Steve Blank; khayes@co.humboldt.ca.us
Subject: Thursday Item 19B

The addendum is out and the actual wetland amount the CCC staff is recommending is .03. I request that this serve as a correction to your ex partes. Thank you, and I apologize for the correction.

RECEIVED

APR 04 2008

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

4/4/2008

21

Apr. 7, 2008 4:06PM

No. 3782 P. 2

Th 19b

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION

Date and time of communication: April 1, 2008
(For messages sent to a Commissioner
by mail or facsimile or received as a
telephone or other message, date
time of receipt should be indicated.)

Receiver

APR 08 2008

California Coastal Commission
San Diego Coast District

Location of communication: Office meeting in La Jolla

Person (s) initiating communication: Andi Culbertson on behalf of San Diego Regional
Airport Authority (SDRAA)

Person (s) receiving communication: Commissioner Pat Kruer
Name or description of project: San Diego Regional Airport Authority, remediation
project-Item 19B on Thursday, April 10, 2008

Detailed substantive description of content of communication:

(If communication included written material, attach a copy of the complete text of the written
material.)

Ms. Culbertson reports: SDRAA is the owner of a parcel of land within the Lindbergh Field
airport property. This land was originally granted from the Naval Training Center to the Port of
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Reuse Plan designated this site for airport uses. The site contains a large municipal solid waste
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The SDRAA and its predecessors have managed the old landfill site through placement of clean
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of contaminants present on site. The Regional Water Quality Control Board has issued several
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the area preliminarily identified as wetlands. The SDRAA wishes to remove the buried waste
and remediate the site. As declared in the Reuse EIR/EIS, the site will ultimately be used for
expansion of the Airport should the Master Plan receive approval from all agencies with
jurisdiction over the decision. However, even if the site is not used for airport uses, the site
should be remediated for environmental reasons.

The staff report recommends balancing, with mitigation at 4:1 for the .03 acre of wetland (It is
the SDRAA's understanding that this will be reduced to .001 acres as a result of further
discussions with the staff ecologist) that staff believes is present on site. SDRAA believes that
the two plants indicating the wetland condition - even at .001 acre - are not appropriately
used, as these plants are non-native exotics which would be removed if the wetland were
proposed to be restored in place. Even if the area is considered wetland, the CCC should
approve the project under the balancing/conflict resolution provisions of Coastal Act §30007.5,
as proposed by staff.

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Apr. 7 2008 4:06PM

No. 3782 P. 3

Ms. Culbertson also believes a 4:1 mitigation area is excessive for this marginal feature even if the CCG concludes it is a wetland. Ms Culbertson notes that an on site alternative was proposed, without a buffer.

Special condition 1 also allows an offsite location to be considered, and the SDRAA is amenable to that, provided that Special Condition 1 is changed to allow the mitigation plan to be submitted within 60 days of the issuance of the permit, so that remediation can be started and completed in the dry season. The SDRAA has purchased over 836 acres at a cost of \$20 million for credits in the San Diego Wildlife Refuge. Ms. Culbertson believes that this demonstrates a larger commitment on behalf of SDRAA that should be taken into account with this remediation project.

4/2/08
Date

Signature on File
Signature of Commissioner

If the communication was provided at the same to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the Commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

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CALIFORNIA COASTAL COMMISSION

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**Th19b**

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-07-108

Applicant: San Diego Regional Airport Authority Agent: Theodore Anasis

Description: Remediation of abandoned landfill on former Naval Training Center including removal and off-site disposal of buried waste consisting of municipal solid waste and burned refuse and ash, and backfilling the excavation with a combination of on-site soils and imported clean soils.

Site: Northeast corner of McCain Road and Spruance Road (former Naval Training Center), San Diego International Airport, San Diego, San Diego County. APN 760-062-01, 760-039-61, 760-039-58, 760-039-67, 450-Index.

Substantive File Documents: Certified Port Master Plan; City of San Diego Certified LCP

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed landfill remediation. The project would require the removal of a 0.1 acre disturbed, man-made seasonal freshwater pond on the southern border of the site. The Commission's ecologist has reviewed the project and determined this habitat constitutes a wetland, and as such, is subject to the restrictions on permitted uses contained in Section 30233 of the Coastal Act.

Remediation of a landfill is not a permitted use under Section 30233. However, the project would result in substantial increase in water quality protection by removing waste products next to and near a water body (the NTC boat channel and San Diego Bay), thereby avoiding the potential that environmental or public health effects associated with buried waste at the landfill could occur in the future. Studies submitted by the applicant indicate that volatile organic compounds have likely leached from the landfill into

groundwater in the area. There are no feasible alternatives to achieving the desired water quality benefits without impacting the wetlands.

Given that the wetlands are fairly small in size, degraded, and isolated, removal of the wetlands to protect and improve water quality is, on balance, more protective of environmental resources than leaving the wetland in place. However, mitigation for the proposed impacts to wetlands is still required. In discussions with staff, the Airport Authority has expressed a willingness to mitigate for these impacts, but no mitigation site has been identified. Therefore, Special Conditions require provision of mitigation in the form of creation of new wetlands at a 4:1 ratio. Because a mitigation site has not yet been identified, the mitigation plan must be approved through an amendment to this permit.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-07-108 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Wetlands Mitigation Plans. The final wetland mitigation plan for the 0.1 acres of seasonal freshwater pond impacts associated with the approved project shall require review and approval of an amendment to this coastal development permit, **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**. The final mitigation plan shall be developed in consultation with the California Department of Fish and Game and/or the U.S. Fish & Wildlife Service (“resources agencies”), and at a minimum shall include:

- a. A detailed site plan of the mitigation site, which shall be located within the Coastal Zone and the San Diego Bay watershed unless the applicants, in consultation with the resources agencies, determine such mitigation is infeasible and another offsite wetlands system must be utilized.
- b. Preparation of a baseline ecological assessment of the impact area(s) and any proposed mitigation sites prior to initiation of any activities. Such assessment shall be completed by a qualified biologist and at a minimum shall include quantified estimates of the biological resources and habitat types at each site, description of the functions of these resources and habitats and the associated values. Results of the ecological assessment of the wetland impact area shall form the basis of the goals, objectives, and performance standards for the mitigation project.
- c. The mitigation plan shall include clearly defined goals, objectives, and performance standards for the mitigation project. Each performance standard shall state in quantifiable terms the level and/or extent of the attribute necessary to reach the goals and objectives. Sustainability of the attributes should be a part of every performance standard.
- d. All wetland impacts shall be mitigated at a ratio of not less than four to one (4:1). That is, for each square foot of impact associated with the project, there shall be four new square feet of wetlands created. In addition, said mitigation shall only involve upland habitat suitable for conversion to wetlands.

2. Final Monitoring Program. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director in consultation with the Department of Fish and Game and the U.S. Fish and Wildlife Service as appropriate, a final detailed monitoring program designed by a qualified wetland biologist. Said monitoring program shall be in substantial conformance with the approved Mitigation Plan required in Special Condition #1 above and shall at a minimum provide the following:

- a. Submittal, upon completion of the mitigation site, of "as built" plans. Description of an as built assessment to be initiated within 30 days after completion of the mitigation project. This description shall include identification of all

attributes to be evaluated, the methods of evaluation, and a timeline for completion of an as-built assessment report. This report shall describe the results of the as-built assessment including a description of how the as-built project differs from the originally planned project.

- b. A description of all attributes to be monitored along with the methods and frequency of monitoring. This description shall include a rationale for the types of data collected and how those data will be used. The description shall also clearly state how the monitoring data will contribute to the evaluation of project performance.
- c. A description of provisions for augmentation, maintenance, and remediation of the mitigation project, throughout the monitoring period or in perpetuity as appropriate.
- d. Annual reports on the monitoring program shall be submitted to the Executive Director for approval for a period of five years. Each report shall include copies of all previous reports as appendices. Each annual report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the mitigation project in relation to the performance standards.
- e. At the end of the five year period, a comprehensive monitoring report prepared in conjunction with a qualified wetland biologist shall be submitted to the Executive Director for review and approval. This comprehensive report shall consider all of the monitoring data collected over the five-year period in evaluating the mitigation project performance. If the report indicates that the mitigation has been, in part, or in whole, unsuccessful, the applicant shall be required to submit a revised or supplemental mitigation program to compensate for those portions of the original program which were not successful. The revised mitigation program, if necessary, shall be processed as an amendment to their coastal development permit.

The permittee shall undertake development in accordance with the approved monitoring program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Water Quality Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit for the review and approval of the Executive Director:

1. A description of the plan for collecting, storing, treating and discharging water from project activities, including dewatering, and stormwater runoff to the City of San Diego Metropolitan Wastewater Department (MWWD). The plan shall include the amount of water that will be discharged, the timing and frequency of

the discharge, the size of the collection tanks, and the type of treatment prior to discharge.

2. An approved wastewater discharge permit from the MWWD that allows for water from dewatering activities, equipment and personnel decontamination, and stormwater runoff to be discharged to a designated sewer discharge point. The permit shall indicate the amount of water the MWWD is willing to accept, and any compliance testing and treatment that is necessary prior to discharge.
3. A contingency plan for handling excess water from dewatering and stormwater runoff if this amount of water exceeds that which will be accepted by the MWWD. Any water that will be discharged to surface waters will require approval from the Regional Water Quality Control Board (RWQCB) and an amendment to this permit.
4. A Storm Water Pollution Prevention Plan (SWPPP) that has been approved by the SWRCB and/or RWQCB and that includes, at a minimum, the following measures:
 - a. No excavation or construction materials, debris, or waste shall be placed or stored in a manner that would allow it to enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
 - b. No excavation or construction equipment, or activity shall be placed in or occur in any location that would result in adverse impacts to receiving waters, ESHA, wetlands or their buffers.
 - c. All stock piles and excavation/construction materials shall be covered, shall be isolated and located at least 50 feet from drain inlets and any waterway, shall not be stored in contact with the soil, and shall be bermed during the rainy season or prior to the onset of precipitation during the non-rainy season.
 - d. Machinery and equipment shall be maintained and washed in confined areas specifically designed to prevent wash water from entering storm drains or waterways. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
 - e. The discharge of any hazardous materials into any receiving waters shall be prohibited.
 - f. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of excavation or construction-related materials, and to contain sediment or contaminants associated with excavation or construction activity, shall be implemented prior to the on-set of such activity.
 - g. All BMPs shall be maintained in a functional condition throughout the duration of the project and until a Notice of Termination is approved by the RWQCB.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Other Permits/Approvals. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the permittee shall provide to the Executive Director copies of all other required state or federal discretionary permits or other agencies or property owner approvals, such as permits from the Regional Water Quality Control Board. Any mitigation measures or other changes to the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

5. Future Development Restriction. This permit is only for the development described in coastal development permit No. 6-07-108. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, paving of the project site, shall require an amendment to Permit No. 6-07-108 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project is remediation of a former landfill. The project is located on an approximately 30-acre site that was previously a U.S. Naval Training Center (NTC) under the jurisdiction of the federal government. The majority of the site has now been transferred to the City of San Diego. The landfill site is located on airport property, immediately west of Terminal 2, north of Spruance Road, east of McCain Road and the boat channel, and south of the Marine Corps Recruit Depot (MCRD) (see Exhibit #2).

The purpose of the remediation is to avoid the potential for future environmental or public health effects associated with buried waste at the landfill, reduce or eliminate the long-term monitoring requirements associated with the inactive landfill, and remove potential constraints to the future development of the site for airport uses.

The project site was formerly owned and used by the U.S. Navy and Marine Corps between 1923 and 1989, which operated a landfill on the site between 1950 and 1971. Burned waste and municipal solid waste were deposited on the site. The landfill was covered with soil after it ceased receiving waste in 1971. The site itself consists of flat dirt with sparse vegetation, internal roads, chain link fencing, and occasional ornamental trees along the perimeter. As discussed in detail below, there is approximately 0.1 acres

of wetlands (seasonal freshwater pond) on the southern portion of the site (see Exhibit #4).

The landfill site was transferred from the MCRD to the Naval Training Center in 1975. In 1997, NTC closed in accordance with a U.S. Navy Base Realignment and Closure Plan. The Base Realignment and Closure Plan consisted of two main elements: (1) the NTC Reuse Plan and (2) an associated Environmental Impact Statement/Environmental Impact Report (EIS/EIR). The NTC Reuse Plan designated the landfill site for airport uses. The NTC Reuse Plan and EIS/EIR were approved by the City of San Diego (the local Reuse Authority) in 1998, and the 52-acre parcel including the former landfill site was transferred to the Port District (which at the time owned and operated the San Diego International Airport (SDIA)) in 1999. In 2003, responsibility for the property was transferred from the Port District to the Airport Authority in accordance with the San Diego County Regional Airport Authority Act.

The project will remove and dispose of, off-site, an estimated 137,000 to 145,000 bank cubic yards (bcy)¹ of buried waste consisting of approximately 25,000 bcy of burned waste (burned refuse and ash) and approximately 112,000 to 120,000 bcy of municipal solid waste (everyday trash and debris). The goal of the project is to remove the waste and up to one foot of soil directly underlying and adjacent to the wastes, and return the site to slightly lower than existing grade.

Specifically, the project includes the following elements:

- Remove and stockpile approximately 163,000 cubic yards (cy) of surface/overburden soil to reach the depths below surface grade at which municipal solid waste (MSW) and burn ash (BA) are encountered;
- Remove approximately 112,000 bcy of MSW for disposal at landfill facilities located in San Diego County, including the Miramar, Otay, and Sycamore Canyon landfills;
- Remove approximately 25,000 bcy of BA material (consisting of existing burned refuse and trash). BA material would be excavated from the site and transported to appropriate regulated landfills in California, Arizona and Nevada in accordance with regulatory requirements;
- Remove approximately 38,000 cy of additional soil to a depth of one foot below the limits of the MSW and BA materials; excavated soils would be disposed of as described for MSW and BA materials described above, as appropriate;
- Import of a maximum of 100,000 cy of fill to backfill the excavated area;
- Replace stockpiled surface/overburden material in the excavated area to prepare the site for future airport uses;
- Implement a community health and safety plan including construction monitoring to address any potential nuisances, including the spread of dust and odor.

¹ “Bank Cubic Yards” refers to the in-ground volume of material, which is more compact than excavated material. The same mass of soil occupies more volume in a truck (loose cubic yards) than it does in the ground (bank cubic yards).

The EIR prepared for the project notes that the amount of waste being removed exceeds the amount of fill projected to be imported by approximately 75,000 cy. This discrepancy reflects that (A) there are piles of soil on the existing site that would be stockpiled and used for backfill and, (B) the post-remediation ground surface would be somewhat lower than surrounding terrain to help accommodate future airport uses of the site because it is probable that any future site development would entail some import of material, such as concrete for aircraft aprons or building foundations or asphalt for parking lots. Special Condition #5 notifies the applicant that only the remediation is approved herein; future development of the site is subject to additional permit requirements.

Construction would occur in phases over a period of nine months, with each phase consisting of the removal and stockpiling of soil from the landfill, the excavation and removal of MSW, BA, and additional soil; the importing of fill to backfill the excavated areas, and the replacement of material from the stockpiles into the excavated areas.

In addition, two City of San Diego Metropolitan Wastewater Department (MWWD) sewer lines are located below the former NTC landfill site: North Metro Interceptors 1 and 2. The Authority proposes to provide structural improvement of the two sewer pipelines to increase the static and dynamic loads of the pipelines so they can support greater weight and enable a broader range of potential future uses for the project site following completion of the proposed project. This remediation project is expected to have a duration of approximately nine months.

The proposed project is a voluntary effort on the part of the Airport Authority; there is no current regulatory requirement to remove the waste from the project site. However, the EIR notes that with continued development of office and visitor-serving commercial development on the Liberty Station (NTC) site west of the project site (across the Navy boat channel), more people are likely to be impacted by landfill remediation activities (such as traffic and noise) in the future than if the remediation were to occur in 2008, as is currently planned.

The San Diego International Airport was previously under the coastal permit jurisdiction of the Port of San Diego. However, legislation transferred authority over airport property to the newly created Airport Authority in January 2003. Thus, the airport is now within the Commission's permit jurisdiction, and Chapter 3 is the standard of review.

2. Water Quality/Hazardous Materials. Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As noted, the subject site is located as close as 300 feet from the San Diego Boat Channel. The NTC Boat Channel is an extension of San Diego Bay ranging in depth from intertidal conditions to approximately -24 feet mean lower low water. The channel has limited tidal exchange and mixing, but environmental studies assessing the channel have found that it supports a dense, healthy, continuous eelgrass meadow (see CDP #6-06-102/SDSU). Because it does not receive a great deal of water influx from the Bay, it may be especially sensitive to the introduction of pollutants. As recently as February 2007, the San Diego Regional Water Quality Control Board (RWQCB) placed strict limits on any discharge of water into the bay associated with a university environmental research laboratory operating adjacent to the boat channel (CDP #6-06-102/SDSU).

Purpose of the Project

Although there is no known contamination at this time, it is possible that hazardous waste contamination associated with the former NTC landfill could eventually contaminate and may have already contaminated groundwater on and around the site. As described, the proposed project would remove municipal solid waste and burn ash. In addition, the applicant has submitted an engineering study looking specifically at the area of the site containing wetlands. The study looked at the nearest groundwater monitoring well to the existing wetlands, located approximately 115 feet northeast of the vegetation. This well was removed in 2006, but the chemicals detected at this site include acetone, benzene (classified by the Environmental Protection Agency as a Class A human carcinogen) and butanone. Dissolved copper was detected at concentrations exceeding the California Toxics Rule Criteria for Enclosed Bays and Estuaries Plan (see Exhibit #5). The proposed remediation would remove these threats to the marine environment and human health.

Although the landfill itself is not under a remediation order, since 2001, the RWCQB has issued one written warning and one written Notice of Violation of Title 23 requirements for site drainage problems at the landfill. The RWCQB has issued Order No. 97-11, General Waste Requirements for Post-Closure maintenance of Inactive Nonhazardous Waste Landfills Within the San Diego Regional. This order was issued, and continues in force today, requiring landfill owners to maintain proper site drainage “to prevent ponding and flooding on the landfill surface, or to prevent surface drainage from

contacting or percolating into or through wastes.” The Airport Authority is required not only to prevent ponding at the site, but is required to take affirmative actions to prevent and remediate ponding on an ongoing basis. The purpose of this requirement is to prevent drainage from contacting or percolating through wastes at the landfill, which could potentially contaminate groundwater or other water bodies.

The San Diego Solid Waste Local Enforcement Agency conducts quarterly inspections of the site and has repeatedly observed ponding at the landfill site, and has issued 16 written warnings ordering the Airport Authority to grade the site to avoid ponding and remove the threat to water quality. Because the 0.1 acres of wetland on the site (described in detail below, under Environmentally Sensitive Habitat) is at a low drainage point on the site, ponding has occurred at and around the wetland. The engineering study submitted by the applicant concludes that retention of the wetlands would result in continued ponding of water in this area in violation of the above stated regulations and enforcement orders issued by the regulatory agencies (see Exhibit #5). The report further concludes that only removal of the entire landfill, including the portion under and adjacent to the wetlands, could eliminate the ponding and the potential source of water contamination.

Project Implementation

The State Water Resources Control Board (SWRCB) and the San Diego RWQCB have regulatory authority over the proposed landfill remediation. The project must comply with the State General Construction Storm Water Permit, which requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). In addition, the proposed project is subject to the requirements of the San Diego RWQCB Municipal Permit regarding discharges to the storm water conveyance system. The RWQCB also has regulations for stockpiling non-hazardous soils under Resolution No. 95-96, which must be followed by this project. Finally, the RWQCB is the only agency that can make the finding that the Authority has successfully completed clean closure.

Because the landfill itself is not under any type of remediation order, the RWQCB itself does not have to approve the landfill remediation. On January 14, 2008, staff at the RWQCB issued a letter indicating that if the proposed remediation activities are implemented in accordance with the Final Closure Plan, the Regional Board has no objections to the project (see Exhibit #6). Special Condition #4 requires submittal of all required approvals prior to commencement of construction. Any mitigation measures or other changes to the project required through said permits could trigger the need for an amendment to this permit or a separate coastal development permit.

The proposed project will include excavation of some materials that will be classified as hazardous wastes and therefore must be conducted in accordance with all federal, state, and local laws and regulations pertaining to the use, storage, transportation, and disposal of hazardous wastes. Although less than three percent of the total waste removed from the project site is anticipated to be hazardous waste, construction best management practices (BMPs) would be implemented in order to minimize dust, soil, and stormwater migration off-site during project activities. In addition, project controls identified in the

Community Health and Safety Plan (CHSP) and Waste Management Plan (WMP) will be required. Project controls consist of implementing BMPs and protocols contained in the project-specific WMP; development and adherence to a Site Health and Safety Plan; personnel training; establishment of a Site Health and Safety Officer; and environmental monitoring.

Although the proposed project would temporarily increase potential hazards to the public or environment through the routine transport and disposal of hazardous wastes, these hazards would be minimized by the implementation of project controls. In addition, as noted, less than three percent of the total waste removed from the project site is anticipated to be hazardous waste. The removal of wastes from the project site would have long-term benefits because it would reduce the potential for future contamination of the site or surrounding area or groundwater as a result of those wastes.

Temporary stockpiling of non-hazardous contaminated materials under the proposed project is considered a temporary discharge by the RWQCB. Best Management Practices and protocols in the WMP include adherence to RWQCB regulations for stockpiling non-hazardous soils under Resolution No. 95-96, which require the establishment of berms to prevent stormwater runoff and the placement of stockpiles at least five feet from the highest anticipated groundwater level to protect groundwater.

Additional sources of potential surface and groundwater contamination associated with the proposed project would consist of groundwater removed during excavation (dewatering), water from equipment and personnel decontamination, and storm water run-off. Water from all of these sources would be collected, stored, treated, and discharged to a designated sewer discharge point under a City of San Diego Industrial Wastewater Control Program (WCP) Industrial Users Wastewater Discharge Permit in accordance with Metropolitan Wastewater Department (MWWD) requirements. Discharges to San Diego Bay or other surface waters would not be permitted without RWQCB approval and an amendment to this permit. A wastewater storage and treatment area would be established at the project site for personnel and vehicle washdown as indicated in the Closure Plan and described in the WMP. The area around the collection tanks would be bermed and lined and any rainwater entering the bermed areas would be pumped into the collection tanks for discharge to the sanitary sewer. Dewatering would be performed so that excavated materials are below residual saturation and do not contain free liquids.

Prior to discharge into the City of San Diego MWWD sewer system, groundwater would be tested in compliance with Industrial WCP requirements. Pre-treatment would be provided as necessary to ensure compliance with Industrial WCP requirements. Groundwater below the project site is tidally influenced, and considered of poor quality for municipal use. No beneficial groundwater uses are designated in the RWQCB Basin Plan. Any extracted groundwater would be relatively quickly replaced by natural processes (e.g., inflow from the San Diego Bay-influenced water table), and no adverse effect to groundwater resources would result from the extraction and in-sewer disposal of groundwater during construction.

Because extracted groundwater would be disposed of via the sewer system in compliance with all applicable discharge requirements, the groundwater would not contribute effects off-site. Specifically, extracted groundwater would not cause or allow the off-site migration of contaminants associated with the buried or extracted MSW or BA.

The Commission's water quality staff have reviewed the proposed project and the water quality controls, and determined that they are appropriate and adequate. To ensure that the MWWD will accept the amount of water proposed to be discharged to the sanitary sewer, and that there is a contingency plan if the amount of water exceeds that which will be accepted, Special Condition #3 requires the submittal of the MWWD permit and a contingency plan prior to issuance of the CDP. Also, to ensure that SWRCB and RWQCB requirements are followed, Condition #3 requires the submittal of an approved SWPPP, including specific construction-related BMPs, prior to issuance of the CDP. Therefore, as conditioned, this project will include measures to protect water quality and is consistent with the Coastal Act.

Conclusion

In summary, the proposed remediation and removal of waste and toxins is expected to have a positive impact on water quality. The project will eliminate the ponding issue and bring the site into compliance with the RWQCB and San Diego Solid Waste Enforcement Agency directives. As discussed in greater detail below, removal of the threat to water quality can only occur if the entire landfill site is remediated, including the portion of the site containing wetlands. Therefore, as conditioned, this project is consistent with the water quality protection policies of the Coastal Act.

3. Environmentally Sensitive Habitat Area. Section 30233 states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

[...]

Biological Resources

Vegetation

The site is mostly bare dirt, but there is some existing vegetation. The EIR determined there are five vegetation types on the ground, as shown below in Table 4.8-1 from the EIR.

Table 4.8-1 Project Site Vegetation Communities	
Vegetation Community	Acres(s)
Disturbed wetland	0.1
Baccharis scrub (including disturbed)	0.5
Non-native grassland	1.1
Non-native vegetation	0.8
Disturbed habitat	31.7
TOTAL	34.2

The Baccharis scrub found on the site is an upland community subtype of coastal sage scrub, and is dominated by broom baccharis. The Commission's staff ecologist, John Dixon, has determined that this isolated patch of vegetation is not ESHA, and no significant impacts to the biological productivity of the area will result from its removal.

The disturbed wetland within the project site occurs where water ponds due to human-induced changes in the landscape. The 0.1 acre area of vegetation is dominated by non-native wetland species such as rabbitfoot grass, grass poly, white sweet clover, prickly lettuce and English plantain. The Commission's staff ecologist John Dixon has reviewed the wetlands delineation and biological survey reports submitted by the applicant and determined that the habitat, while man-made, is a seasonal freshwater pond and is subject to the restrictions and requirements of Section 30233 of the Coastal Act.

Since the Commission's ecologist made the initial determination that the habitat constitutes a wetland, the applicant submitted an additional biological study disagreeing with that conclusion (Glenn Lukos Associates, 3/11/08). However, Dr. Dixon has reviewed the additional study, and identified several significant flaws in it; thus, the original determination that the area is a wetland remains valid.

The wetland is partially located above an area mapped as landfill, and is next to an area proposed to be used as a borrow site for the project. As proposed, the project would directly impact (remove) the existing wetland. In addition to the direct impacts to the wetlands, in order to maintain the biological quality and integrity of the resource, new development would have to provide a buffer of undeveloped area to provide physical space between development and the environmentally sensitive area. The intervening space acts as a distance barrier between human activity and the resource, and reduces the potential for adverse impacts associated with future development of this site (i.e., runoff and siltation associated with grading and site preparation, construction debris, debris generated airport use, etc.). As noted above, in this case, the project proposes to completely remove the wetlands, thus no buffer is provided.

Section 30233 of the Act prohibits diking, filling or dredging of open coastal waters, wetland or estuaries unless it is one of seven permitted uses. In addition, if it is one of the seven permitted uses and cannot be avoided, it must also be the least environmentally damaging alternative and must minimize any adverse environmental impacts and provide mitigation for any unavoidable, but permissible impacts.

As discussed above, the proposed landfill remediation will have a positive impact on water quality by removing waste products and contaminants next to and near a water body (the NTC boat channel and San Diego Bay). However, landfill remediation is not one of the permitted uses in wetlands.

An alternative to the proposed total remediation would be to remediate most of the landfill, but leave the wetland and a 100-foot buffer around the wetland. The applicant estimates that this alternative would allow remediation of approximately 93% of the existing landfill. However, while this alternative would preserve the wetland, it would not allow for full protection of the area's water quality and would therefore be inconsistent with Section 30231 of the Coastal Act. At the very least, 7% of the landfill would remain, with the continued potential for leaching. Because the known boundary of the landfill is not exact, there could be more waste under the wetland/buffer than known at this time. In addition, this alternative would not remove the ponding issue for which the Airport has been repeatedly cited for violations. According to the applicant, as long as any portion of the landfill remains, ponding on the site, including in the vicinity of the proposed wetlands, would be inconsistent with RWQCB regulations protecting water quality. Thus, there is no alternative project that could achieve the goals of remediation and lessen or avoid the impacts to the wetland or the wetland buffer.

In discussions with Commission staff, the applicant has indicated a willingness to provide some form of mitigation to minimize the adverse impacts to the wetlands, but no

mitigation has been offered at this time. Providing on-site mitigation would not be feasible, given that the site is highly disturbed and isolated from any surrounding habitat. It is probable that the only reason the vegetation has arisen in the location it has is that it is a low point on the site, and the regrading of the site to remediate the landfill will likely prevent any vegetation from being supported on the site.

Thus, Special Condition #1 requires submittal of a mitigation plan approved by the Department of Fish and Game (DFG) and U.S. Fish and Wildlife Service that incorporates the creation of wetlands at a rate that is no less than 4:1. The condition requires the applicant to apply for an amendment to the subject coastal development permit when the site is identified so that the Commission can be assured the offsite location is consistent with the requirements of the Coastal Act. To assure the success of the mitigation plan, Special Condition #2 requires the submission of a detailed monitoring and reporting plan to evaluate the performance of the mitigation and which requires future maintenance if the performance standards are not met. Thus, as conditioned, the design of the project can be found to be the least environmentally-damaging alternative, and adequate mitigation will be provided.

Nevertheless, these factors cannot make the project consistent with Section 30233. The removal of the vegetation still does not fit within any of the above cited seven allowed uses in wetlands. Thus, the Commission finds that the proposed project elements resulting in wetland impacts are inconsistent with Section 30233 of the Act. No less environmentally-damaging alternatives are known and adequate mitigation is proposed, but the cause of the impacts is not an allowed use in wetlands.

However, the current project will have significant positive impacts on water quality, and as such, can be justified by utilizing the balancing provisions of the Coastal Act; this will be discussed at length in Finding #5. Denial of the proposed project would fail to achieve the main purpose of the overall project, which is to improve water quality. Thus, although the Commission cannot find the project consistent with all cited Coastal Act policies, it does find, as discussed in Finding #5 below, that, on balance, approval of the proposed project, as conditioned, provides sufficient benefits to coastal resources to outweigh the minor habitat loss incurred herein.

Sensitive Species

The subject site is as close as 300 feet from the NTC boat channel, which provides foraging area for numerous waterbirds, including at times, California least terns, a federally listed endangered species. California least terns have nested at multiple locations at the airport, including the subject site, for several decades. Areas used for nesting have been monitored annually by the California Department of Fish and Game since 1976. According to the EIR, for the last several years, least tern nesting has been limited to “ovals” in the airfield between the runway and taxiways at the southeast end of the airport. These ovals are separated from the former NTC landfill site by approximately 1.5 miles and Terminals 1 and 2 as well as the Commuter Terminal building and portions of the former Teledyne Ryan leasehold.

The least tern colony previously located on the subject site consisted of an approximately 10-acre nesting colony site and an approximately 15 acre buffer area. Prior to the NTC base closure, the Navy managed the site for least tern nesting pursuant to a Memorandum of Understanding with the USFWS.

The first documented use of the subject site by least terns was in 1977. The site was used by least terns in eight of the subsequent 22 nesting seasons. According to a Record of Decision filed by the USFWS on January 6, 2000, the last known use of the site by terns was by five pairs in 1995. The colony supported 13 pairs of California least terns in 1994, 5 pairs in 1995, and 0 pairs in 1996. A total of only 51 young were fledged in the entire history of the colony. Maximum use was by 35 nesting pairs, producing 25 fledglings in 1977.

Because of the Port District's interest in acquiring the site for airport uses, the USFWS began negotiations with the Navy and the Port District in 1995 to determine an appropriate means to protect the functions of values of the least tern nesting site. In October 1998, the USFWS and the Port District signed an agreement where the Port District agreed to purchase an extensive acreage of privately owned California least tern habitat in south San Diego Bay, and convey the habitat through the State Lands Commission, to the USFWS for inclusion in the South San Diego Bay National Wildlife Refuge. The Port District also agreed to provide \$900,000 for the enhancement of least tern habitat and perpetual management of the least tern in the refuge.

The agreement was subject to formal consultation under section 7 of the Endangered Species Act, and a Biological Opinion was issued in October 1998 concluding that the anticipated take of California least terns proposed, that is, the permanent loss of the NTC site, would not jeopardize the continued existence of the species. The USFWS agreed that the acquisition and permanent protection of habitat in the South San Diego Bay National Wildlife Refuge and provision of funds for least terns habitat enhancement and perpetual management adequately replaced the ecological functions and values of the NTC site.

Through coordination with the State Lands Commission, the Port and the USFWS, an agreement was reached to provide a better location and better habitat for terns through the acquisition and enhancement of privately owned or controlled habitat areas in South San Diego Bay. The Port funded the purchase of approximately 836 acres of private fee owned lands (owned and operated by Western Salt) and purchased the final years of a 612 acre lease of state owned lands leased by the Western Salt company. The USFWS, the Port and Western Salt entered into a purchase agreement on September 30, 1998, providing for the purchase of the Western Salt property for a purchase price of \$20,000,000. About 722 acres of the 836 acre purchase was vested to the State Lands Commission subject to the Public Trust for purposes of providing habitat for the California least tern and other wildlife and fish, ecological preservation, habitat restoration and enhancement, open space, and, when compatible with the wildlife purposes of the area, for scientific study, public education and wildlife-dependent

recreation. The remaining 114 acres of the purchase from Western Salt was vested in the Port subject to the Public Trust. These lands were combined with other lands to form the South Bay Unit of the San Diego National Wildlife Refuge.

On January 6, 2000, the U.S. Fish and Wildlife Service filed a Record of Decision stating that relocation of the least tern site to South San Diego Bay was the preferred alternative for disposal and reuse of NTC. The Decision was based on several environmental and social factors, including the fact that the NTC site had an intermittent history of low intensity use by nesting least terns and produced less than 1% of the total least tern recruitment in San Diego Bay during 1977-1998, and that the potential to conserve and recover least terns is greater at the south San Diego Bay site than at NTC. Therefore, the "least tern designation" was removed from the property.

There have not been any sensitive bird species on the site since prior to the removal of the critical habitat designation. However, the Department of Fish and Game has reviewed the project and requested that the applicant either avoid the bird breeding season (February 15-September 15) or conduct surveys to locate and avoid any nesting birds. The applicant has agreed to make this part of the project. Therefore, as proposed, no impacts to sensitive bird species are anticipated.

Conclusion

In summary, the Commission finds that the proposed project elements resulting in wetland impacts are inconsistent with Section 30233 of the Act. While no less environmentally-damaging alternatives are known and the project can be conditioned to ensure adequate mitigation is provided, the fill is not an allowed use in wetlands. However, the proposed project can be justified by utilizing the balancing provisions of the Coastal Act; this will be discussed at length in Finding #5. Retention of the wetlands on-site would fail to achieve the main purpose of the overall project, which is to protect and improve water quality. Thus, although the Commission cannot find the project consistent with all cited Coastal Act policies, it does find, as discussed in Finding #5 below, that, on balance, approval of the proposed project amendments, as conditioned, provides sufficient benefits to coastal resources to outweigh the minor habitat loss incurred herein.

4. Public Access/New Development/Traffic. Many policies of the Coastal Act address the provision, protection and enhancement of public access to and along the shoreline, in particular, Sections 30210, 20211, 30212.5, 30221, and 30223. These policies address maintaining the public's ability to reach and enjoy the water. Other relevant sections include the following:

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads...

In addition, Section 30604(c) requires that a specific access finding be made for all development located between the sea and first coastal roadway. In this case, such a finding can be made.

There is currently no public access to the subject site itself. The EIR estimates that during landfill remediation, approximately 71 trucks would access the project site each day (for a total of 142 one-way truck trips to or from the site). In addition, it is estimated that there would be 70 workers driving to/from the site each day. Vehicle traffic associated with the proposed project would occur primarily on weekdays and also on Saturdays. Trucks hauling materials would primarily use North Harbor Drive and Nimitz Boulevard to access Interstate 5 and/or Interstate 8. The proposed truck routing plan prohibits the use of Rosecrans Street by landfill trucks, so the project will not impact this coastal access route.

The traffic analysis determined that the proposed project would not have any significant traffic impacts on any of the study area roadway segments or intersections on weekdays or Saturdays. Although not anticipated, should remediation activities occur on Sunday, they would be expected to have a similar traffic impact as remediation activities occurring on Saturdays—that is, traffic impacts would be expected to be less than significant. In addition, the project impacts will only last for the duration of the project, anticipated to be approximately 9 months. Therefore, no substantial impacts to public access will result, consistent with the relevant Coastal Act policies.

5. Conflict between Coastal Act Policies. Section 30007.5 of the Coastal Act provides the Commission with the ability to resolve conflicts between Coastal Act policies. This section provides that:

The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner that on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

As discussed previously, the standard of review for the Commission's decision on the proposed development is consistency with Chapter 3 policies of the Coastal Act. In general, a proposal must be consistent with all relevant policies in order to be approved.

Thus, if a proposal is inconsistent with one or more policies, it must normally be denied (or conditioned to make it consistent with all relevant policies).

However, as cited above, the Legislature also recognized that from time to time, conflicts can occur among those policies. Further, when the Commission identifies a conflict among the policies in Chapter 3, such conflicts are to be resolved “in a manner which on balance is the most protective of significant coastal resources” PRC §§ 30007.5 and 30200(b). That approach is generally referred to as the “balancing approach to conflict resolution.” Balancing allows the Commission to approve proposals that conflict with one or more Chapter 3 policies, based on a conflict among the Chapter 3 policies as applied to the proposal before the Commission.

A. Conflict. In order for the Commission to utilize the conflict resolution provision of Section 30007.5, the Commission must first establish that a substantial conflict exists between two statutory directives contained in Chapter 3 of the Coastal Act exists. The fact that a project is consistent with one policy of Chapter 3 and inconsistent with another policy does not necessarily result in a conflict. Rather, the Commission must find that to deny the project based on the inconsistency with one policy will result in coastal zone effects that are inconsistent with another policy.

In this case, as described above, the proposed project is inconsistent with the wetland protection policies of the Coastal Act because the proposed fill of 0.1 acres of freshwater seasonal ponds is not an allowable wetland fill activity as identified by Section 30233(a)(1)-(7). However, to deny the project based on this inconsistency with Section 30233(a)(1)-(7) would result in significant adverse impacts inconsistent with the water quality provisions of Section 30231. As described above, the remediation would protect and preserve water quality by removing a potential source of contaminants. Because at least a portion of the landfill extends underneath the wetlands and buffer area, and because ponding at the wetland creates a water quality risk, there is no way to remove the threat to water quality without impacting the wetland.

If the Commission were to deny the project based on the project’s inconsistencies with the wetland fill provisions of Section 30233(a)(1)-(7), the water quality protection from the landfill remediation would not be achieved. As discussed previously, there are no feasible alternatives that would lessen or avoid to the proposed impacts. The project would protect the biological resources and habitat value of the San Diego Bay region. Preserving the wetlands and buffer would risk the degradation of water quality resources in a manner inconsistent with the Coastal Act. Therefore, the Commission finds that the proposed project creates a conflict among Coastal Act policies.

B. Conflict Resolution. After establishing a conflict among Coastal Act policies, Section 30007.5 requires the Commission to resolve the conflict in a manner that is on balance most protective of coastal resources. In this case, the proposed project would result in the fill of 0.1 acres of isolated, disturbed seasonal freshwater ponds. The ponds are a low-point drainage area located over a landfill in the middle of a lot that has historically been filled, graded, and disturbed with military and airport traffic. There is

no evidence of sensitive wildlife at the site. Thus, although the site is correctly identified as a wetland, it is unlikely that it provides significant, if any, wildlife habitat, since it does not connect to any larger habitat area, has historically been disturbed, could potentially be subject to contamination from the landfill, and is surrounded by active industrial uses.

The proposed remediation will reduce the potential that contaminants will enter ground water and adjacent water bodies, which could adversely impact both wildlife and humans. The applicant has expressed a willingness to consider mitigation for the impacts to wetlands; Special Conditions #1 and #2 require implementation of a mitigation plan and monitoring that will offset the loss of the wetlands on site.

In resolving the identified Coastal Act conflict, the Commission finds that the impacts on coastal resources from not constructing the project will be more significant than the project's wetland habitat impacts. Therefore, the Commission finds that approving the project is, on balance, most protective of coastal resources.

This finding that approving the project is most protective of coastal resources is based, in part, on the assumption that appropriate wetland mitigation will be provided and maintained in perpetuity. Should the mitigation site not be implemented, the benefits of the water quality improvements would not be realized to an extent that would outweigh the loss of the wetland habitat. Therefore, the Commission attaches special conditions to ensure that the desired result is achieved; these have been discussed in detail in the previous findings addressing biological resources and water quality. The Commission finds that without the special conditions, the proposed project could not be approved pursuant to Section 30007.5 of the Coastal Act.

6. Visual Resources. Section 30251 of the Coastal Act addresses visual resources, and states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

The site is not visible from North Harbor Drive or any other major coastal access route. There are buildings blocking views of the site from the public access path on the east side of the NTC boat channel, but a portion of the site would be distantly visible across the channel from the public access path at Liberty Station (NTC). There are no scenic resources on the site. Construction activities consisting of digging holes and stockpiling materials would not have a significant adverse impact on any views and in any case, will only be temporary. Construction lighting would be shielded and directed downward. As proposed, no significant impacts to views or scenic coastal areas will occur. Therefore, the Commission finds the project consistent with Section 30251 of the Act.

7. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The San Diego International Airport was previously under the coastal permit jurisdiction of the Port of San Diego and the standard of review for coastal development permits was the certified Port Master Plan. However, legislation which took effect in January 2003 transferred authority over airport property to the newly created Airport Authority. Thus, the airport is now within the Commission's permit jurisdiction. Although the Airport is not anticipated to be subject to a LCP, approval of this project would not prejudice the preparation of a LCP consistent with the requirements of Chapter 3. As discussed above, the proposed project is consistent with Chapter 3, including the sensitive resource, public access, and visual protection policies of the Coastal Act.

8. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

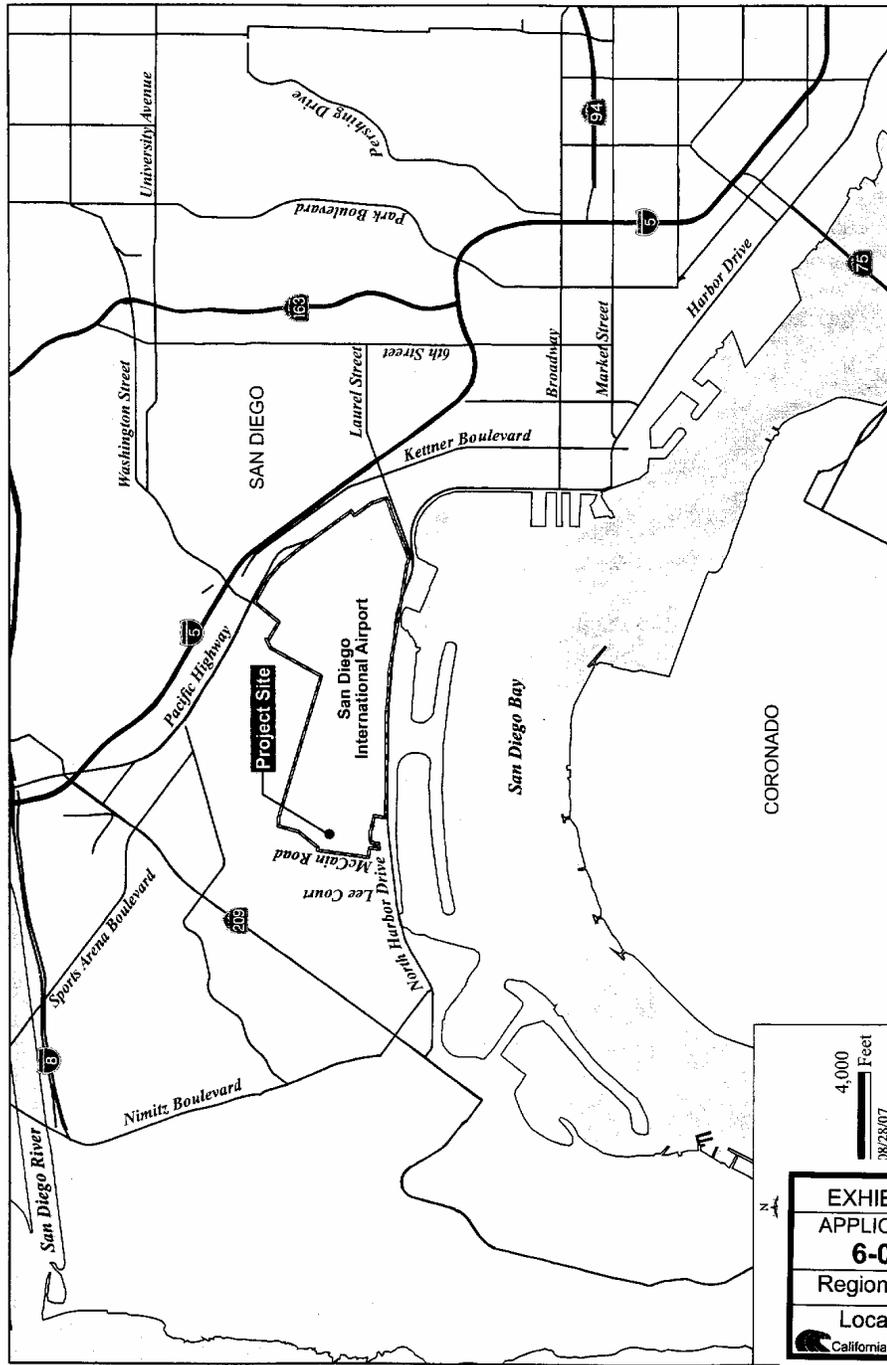
As discussed herein, the proposed project, as conditioned, will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the sensitive resource, public access and visual resource policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development

shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

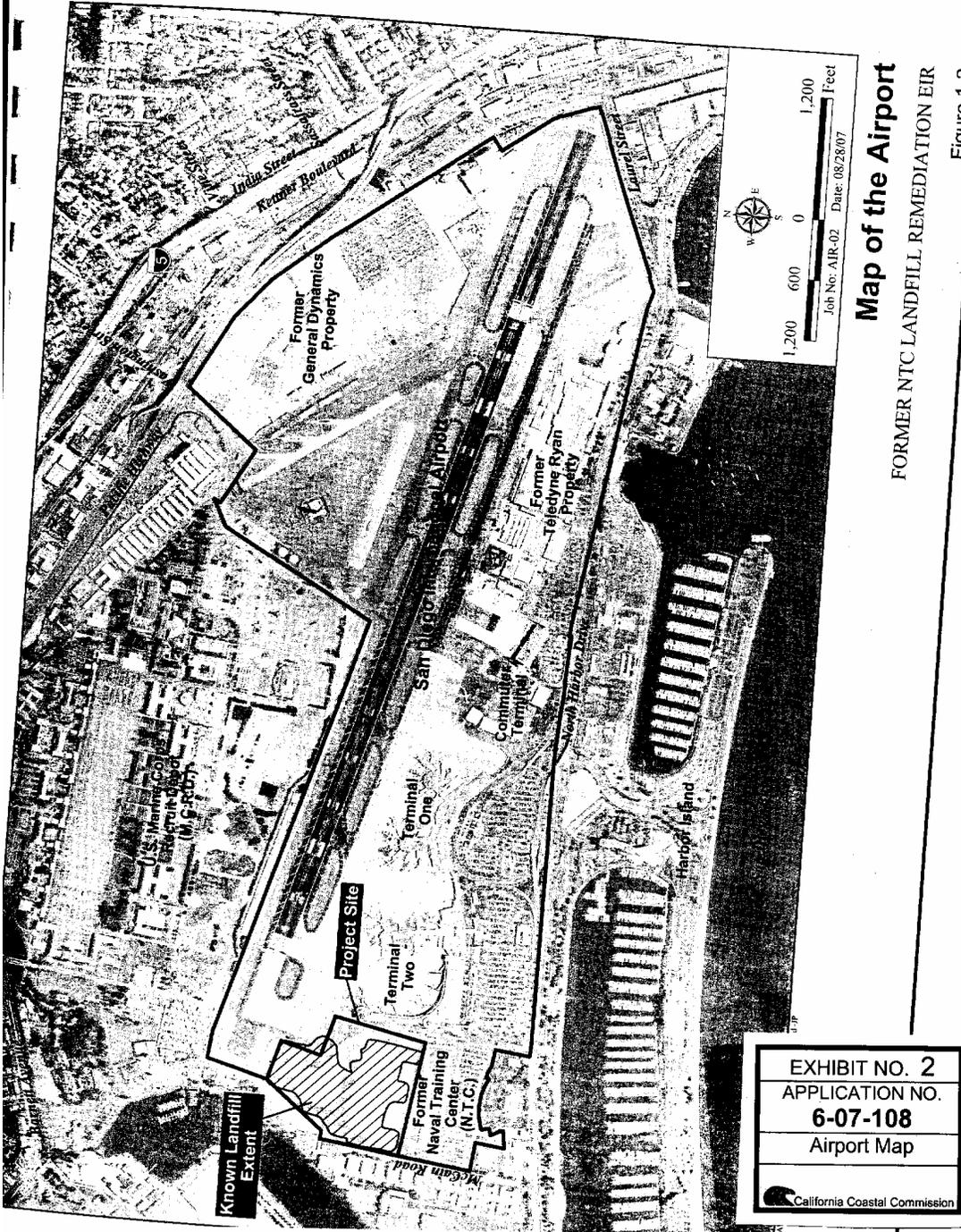


Regional Location Map

FORMER NTC LANDFILL REMEDIATION EIR

Figure 1-1

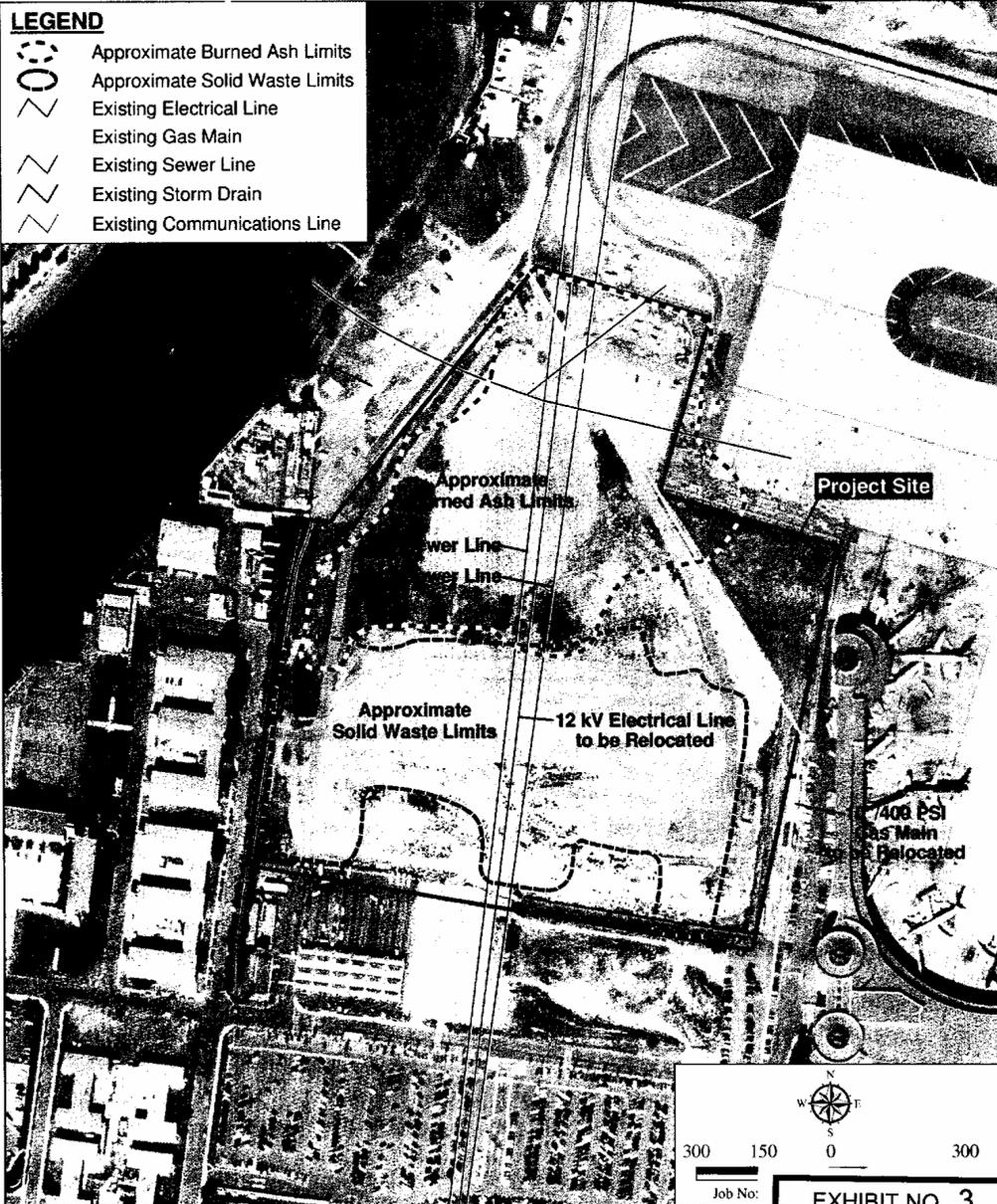
EXHIBIT NO. 1
APPLICATION NO.
6-07-108
Regional Location
Location Map
California Coastal Commission



Map of the Airport

FORMER NTC LANDFILL REMEDIATION EIR

Figure 1-2

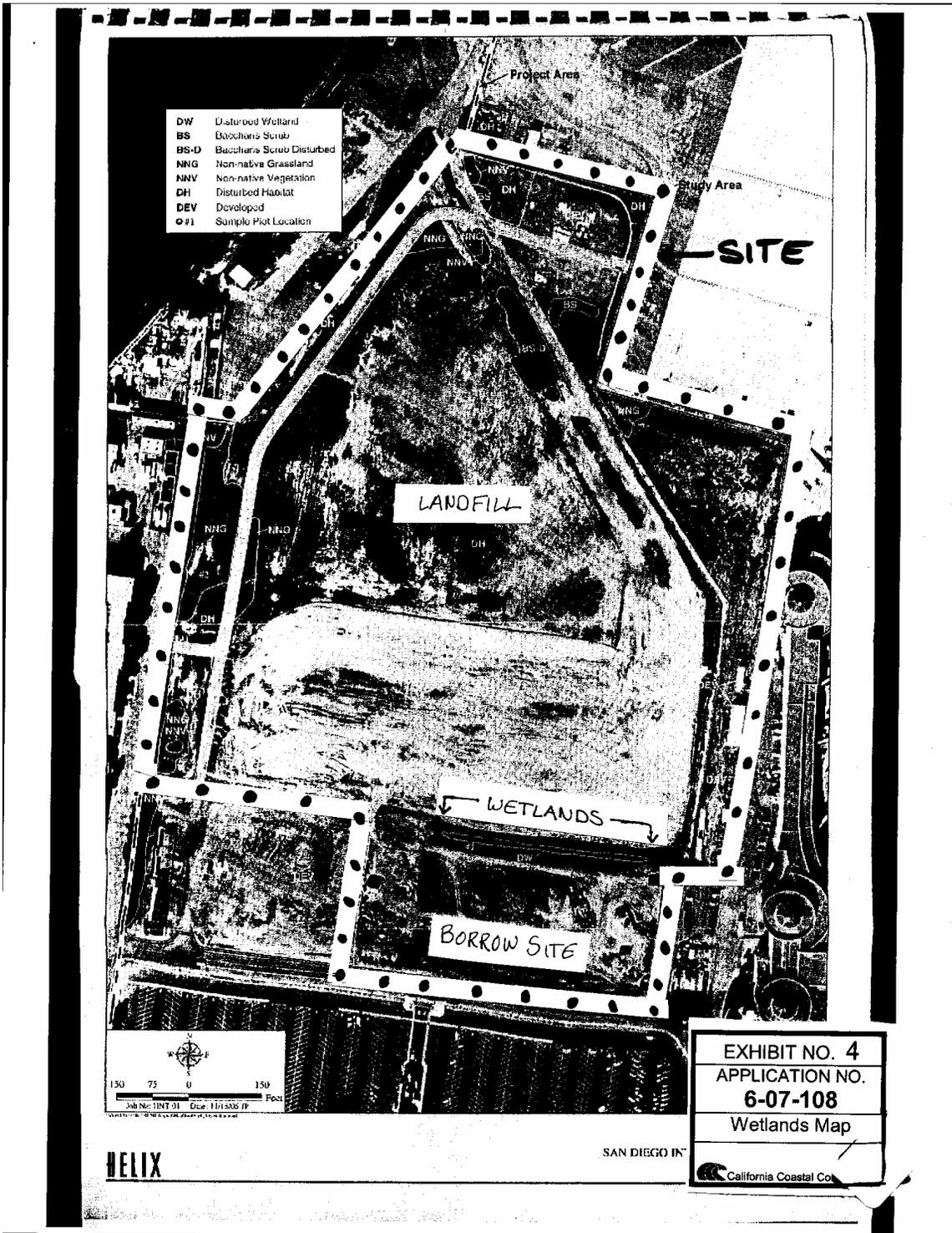


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HELIX

FORMER NTC LAND

EXHIBIT NO. 3
APPLICATION NO.
6-07-108
Landfill Boundaries
California Coastal Commission



- DW Disturbed Wetland
- BS Baccharis Scrub
- BS-D Baccharis Scrub Disturbed
- NNG Non-native Grassland
- NNV Non-native Vegetation
- DH Disturbed Habitat
- DEV Developed
- #1 Sample Plot Location

EXHIBIT NO. 4
APPLICATION NO.
6-07-108
Wetlands Map

HELIX

SAN DIEGO IN

California Coastal Commission



March 10, 2008

Ms. Angela Shafer-Payne
Vice President
San Diego County Regional Airport Authority
PO Box 82776
San Diego, CA 92138-2776

Subject: Removal of Potential Wetlands
NTC Landfill Remediation
San Diego International Airport

Dear Ms. Shafer-Payne,

The areas identified as "potential wetlands" overlie a portion of the NTC landfill that contains 10 feet (or more) of municipal solid waste (MSW) as observed in investigative trenches excavated in the area in 2001. The location of these areas relative to the landfill waste is shown on the attached Figures 1 and 2.

Volatile organic compounds have likely leached from the MSW into groundwater in this area as observed in reported concentrations of these compounds in groundwater monitoring well DMW-4 (Figure 1). Groundwater monitoring well DMW-4, located approximately 115 feet east of the easterly potential wetlands area (Figure 2), was removed under permit in 2006. The chemicals detected in well DMW-4 include acetone at 2,500 micrograms per liter (ug/L), benzene (classified by the Environmental Protection Agency as a Class A human carcinogen) at 4.4 ug/L, and 2 butanone at 2,400 ug/L. Dissolved copper was detected at concentrations exceeding the California Toxics Rule Criteria for Enclosed Bays and Estuaries Plan. Results of the trench investigation and groundwater monitoring are presented in detail in the Closure Plan prepared by Ninyo & Moore dated October 2007. Figure A-1 in Appendix A of the Plan shows the depth of waste in trenches, and Tables A-9 and A-11 in Appendix A present contaminant concentrations in groundwater. Excerpts from Tables A-9 and A-11 are attached. Removal of waste in this area will further reduce the potential risk to groundwater.

The NTC Landfill is regulated under California Regional Water Quality Control Board San Diego Region (RWQCB) Order No. 97-11 and applicable sections of the California Code of

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Email ree@thebodhiagroup.com • Website www.thebodhiagroup.com

EXHIBIT NO. 5
APPLICATION NO.
6-07-108
Groundwater Report
 California Coastal Commission

Removal of Potential Wetlands
NTC Landfill

March 10, 2008

Regulations, Title 23 and Title 27. Together, these regulations require the proper maintenance of landfill cover including grading of the landfill surface to prevent ponding of water that may potentially percolate through the waste and further degrade water quality.

Since 2001, the RWQCB has issued one written warning and one written Notice of Violation (NOV) of Title 23 requirements for site drainage problems at the landfill. During the same time period, the City of San Diego Solid Waste Local Enforcement Agency issued 16 written warnings and 1 written NOV of Title 27 requirements for site drainage problems at the landfill. Retention of the potential wetlands would result in continued ponding of water in this area in violation of the above stated regulations and enforcement orders issued by the regulatory agencies.

In summary, removal of the waste, which would require removal of the potential wetlands, would prevent further degradation of water quality and allow the Authority to bring the site into compliance with Title 23 and Title 27 regulations. For these reasons, it is recommended to remove the area under consideration as "potential wetlands" including the underlying waste. Please contact the undersigned if you have questions or need more information.

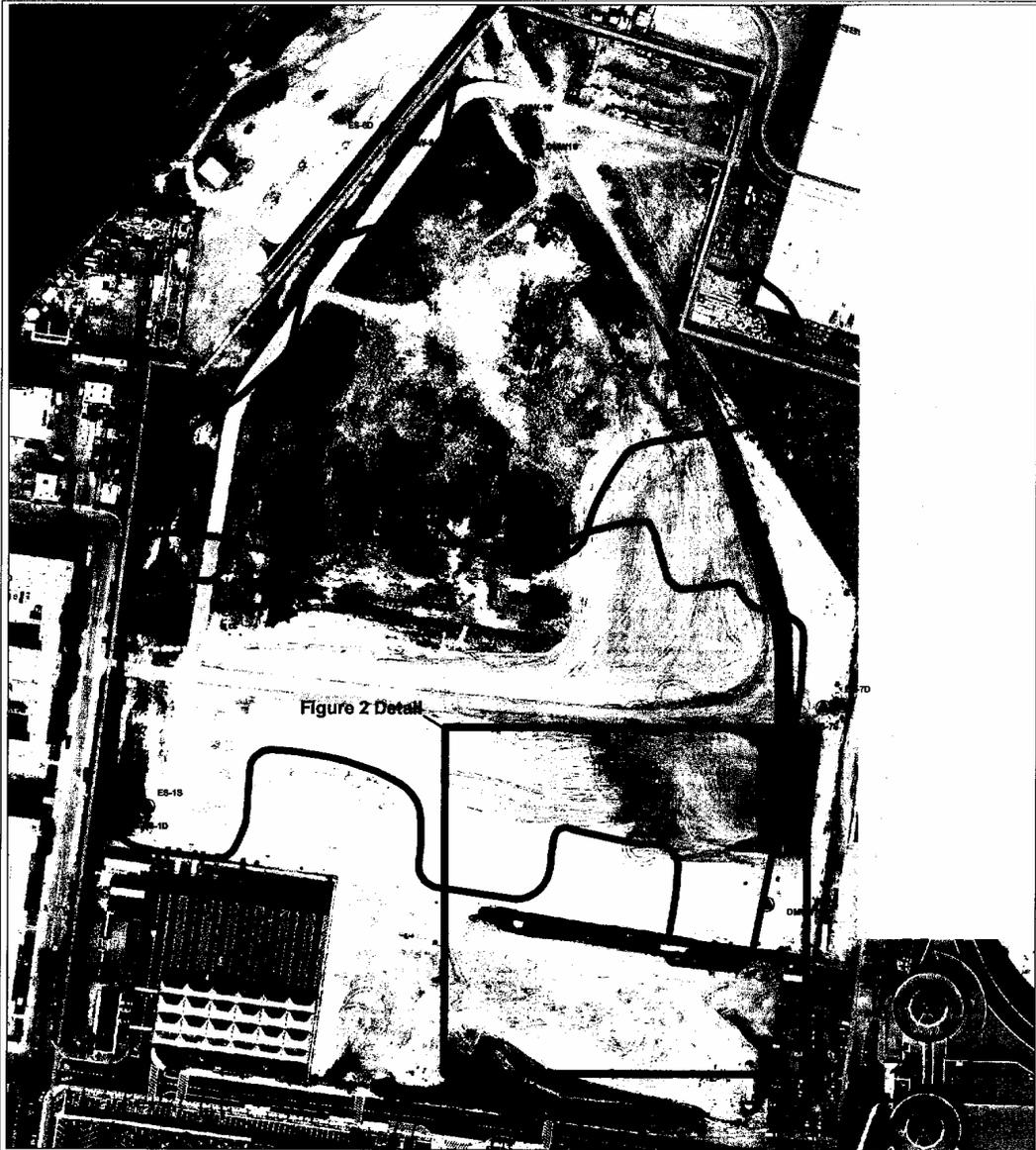
Sincerely,
The Bodhi Group



Sree Gopinath, P.E.
Principal Engineer

SKG/

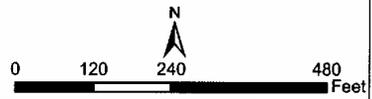
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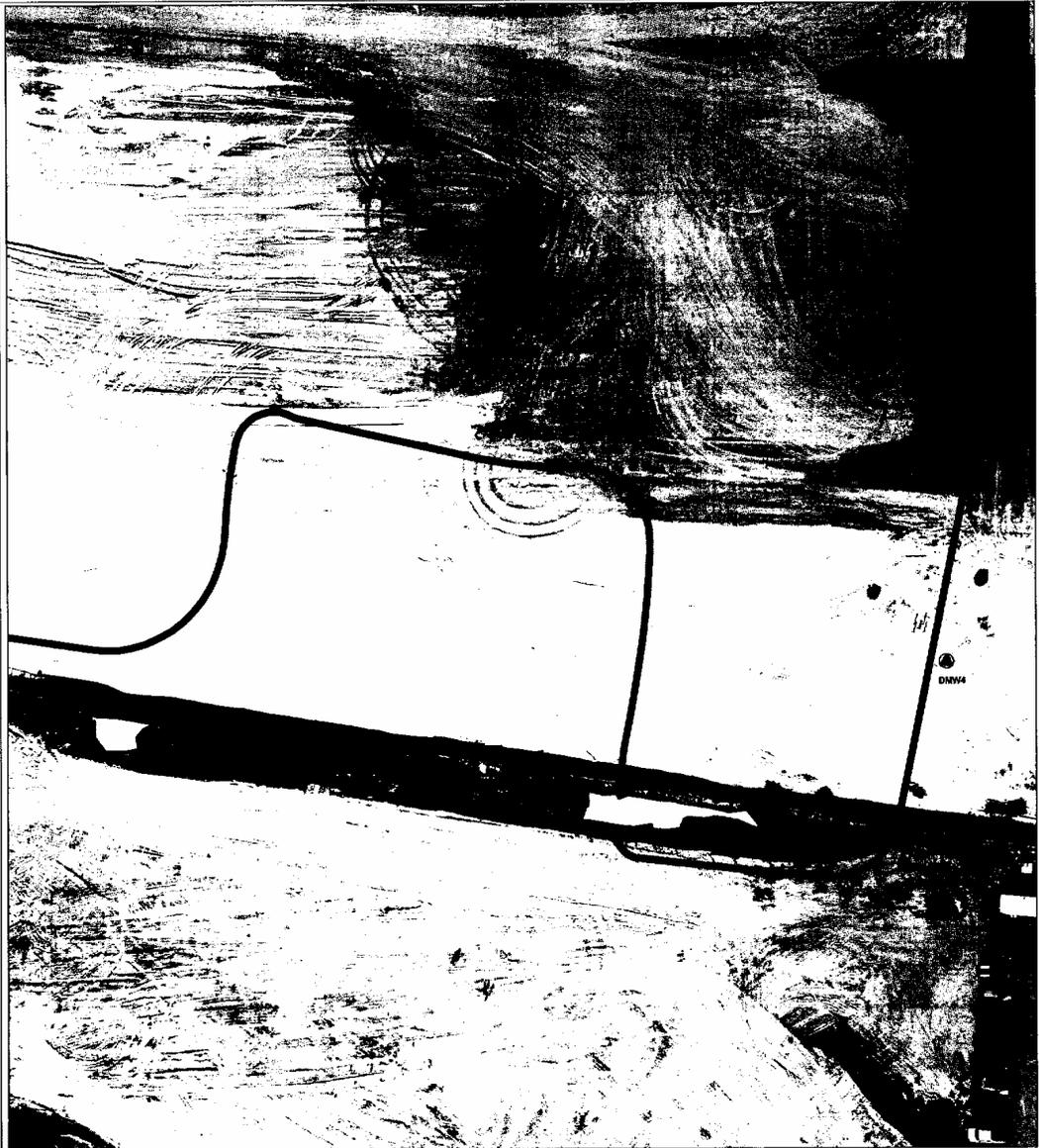
LEGEND

NTC Landfill Materials Burn and Solid Waste

- BURN WASTE
- MUNICIPAL SOLID WASTE
- - - - - NTC SITE BOUNDARY
- POTENTIAL WETLANDS AREA
- DEEP MONITORING WELL
- ⊗ SHALLOW MONITORING WELL

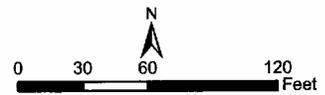


<i>Ninyo & Moore</i>		SITE PLAN	FIGURE
PROJECT NO.	DATE	NAVAL TRAINING CENTER LANDFILL SAN DIEGO, CALIFORNIA	1
105111029	3/08		



LEGEND
NTC Landfill Materials Burn and Solid Waste

- BURN WASTE
- MUNICIPAL SOLID WASTE
- NTC SITE BOUNDARY
- - - - - POTENTIAL WETLANDS AREA
- DEEP MONITORING WELL
- SHALLOW MONITORING WELL



<i>Ninyo & Moore</i>		POTENTIAL WETLANDS AREA	FIGURE 2
PROJECT NO.	DATE	NAVAL TRAINING CENTER LANDFILL SAN DIEGO, CALIFORNIA	
105111029	3/08		

NTC Landfill
San Diego, California

Appendix A
Project No. 105111023

Table A-11 - Summary of Groundwater Analytical Results - Metals

Well ID	Analyte	Enclosed Bays & Estuaries Plan*			Prep Method	Analysis Method	MRL (µg/l)	MDL (µg/l)	Dilution Factor	Date Extracted	Date Analyzed	Result (µg/l)				
		HH	MC	CC												
ES-14D	silver	NE	I.9	NE	Red. Ppt	200.8M	0.2	-	0.25	8/25/1999	8/30/1999	ND				
					Red. Ppt	200.8M	0.2	-	0.25	NA	3/9-13/00	0.05				
					Filtered	6010B	5.0	-	1	2/14/2002	2/15/2002	ND				
					Dissolved	6010B	1.9	-	1	5/15/2002	5/16/2002	ND				
					Dissolved	6010B	1.5	-	1	9/19/2002	9/20/2002	ND				
					Dissolved	6010B	-	-	-	-	2003	NS				
					SW3010	200.8	0.5	0.062	1	3/23/2004	3/25/2004	<0.062				
					SW3010	200.8	0.5	0.054	1	8/24/2004	8/26/2004	<0.054				
					Filtered	6010B	5	-	1	4/14/2005	4/15/2005	ND				
					Dissolved	6010B	5	-	1	9/14/2005	9/15/2005	ND				
					Dissolved	6010B	5	-	1	3/15/2006	3/16/2006	ND				
					Dissolved	6010B	5	-	1	10/3/2006	10/4/2006	ND				
					-	-	-	-	-	Feb-97	-	3 UJ				
					-	-	-	-	-	May-97	-	19 U				
-	-	-	-	-	Jul-97	-	7 U									
-	-	-	-	-	Sep-97	-	6 U									
ES-14D	zinc	NE	90	81	CLAA	6010A	10	4	1	5/14/1998	5/14/1998	ND				
					Red. Ppt	200.8	1	1	0.5	11/18/1998	11/19/1998	5				
					Red. Ppt	200.8M	2.5	-	0.417	3/2/1999	3/4/1999	42				
					Red. Ppt	200.8M	0.5	-	0.25	8/25/1999	8/30/1999	6.1				
					Red. Ppt	200.8M	2	-	0.25	NA	3/9-13/00	0.5				
					Filtered	6010B	10.0	-	1	2/14/2002	2/15/2002	37.7				
					Dissolved	6010B	10.0	-	1	5/15/2002	5/16/2002	ND				
					Dissolved	6010B	10.0	-	1	9/19/2002	9/20/2002	31.1				
					Dissolved	6010B	-	-	-	-	2003	NS				
					SW3010	200.8	10	2.9	1	3/23/2004	3/25/2004	<2.9				
					SW3010	200.8	10	2.4	1	8/24/2004	8/27/2004	<2.4				
					Dissolved	6010B	10	-	1	4/14/2005	4/15/2005	11.2				
					Dissolved	6010B	10	-	1	9/14/2005	9/15/2005	ND				
					Dissolved	6010B	10	-	1	3/15/2006	3/16/2006	ND				
Dissolved	6010B	10	-	1	10/3/2006	10/4/2006	101									
DMW-4	barium	NE	NE	NE	Filtered	6010B	10.0	-	1	1/30/2002	2/1/2002	51.8				
					Dissolved	6010B	10.0	-	1	5/15/2002	5/16/2002	58.9				
					Dissolved	6010B	10.0	-	1	9/18/2002	9/19/2002	46.9				
					SW3010	SW6010	10	5	10	9/5/2003	9/5/2003	50				
					SW3010	200.8	1	0.052	1	3/23/2004	3/25/2004	40				
					SW3010	200.8	10	0.89	10	8/23/2004	8/24/2004	45				
					-	-	-	-	-	-	04/2005	NS				
					Dissolved	6010B	10	-	1	9/15/2005	9/27/2005	361				
					Well abandoned March 2006											
					DMW-4	copper	NE	4.8	3.1	Filtered	6010B	5.0	-	1	1/30/2002	2/1/2002
Dissolved	6010B	3.0	-	1						5/15/2002	5/16/2002	3.12				
Dissolved	6010B	3.0	-	1						9/18/2002	9/19/2002	2.60 J				
SW3010	SW6010	30	21	10						9/5/2003	9/5/2003	<21				
SW3010	200.8	1	0.21	1						3/23/2004	3/25/2004	8.6				
SW3010	200.8	10	0.29	10						8/23/2004	8/25/2004	14				
-	-	-	-	-	-	04/2005	NS									
Dissolved	6010B	5	-	1	9/15/2005	9/27/2005	ND									
Well abandoned March 2006																
DMW-4	lead	NE	210	8.1	Filtered	6010B	10.0	-	1	1/30/2002	2/1/2002	ND				
					Dissolved	6010B	8.0	-	1	5/15/2002	5/16/2002	ND				
					Dissolved	6010B	8.0	-	1	9/18/2002	9/19/2002	ND				
					SW3010	SW6010	50	34	10	9/5/2003	9/5/2003	<34				
					SW3010	200.8	1	0.064	1	3/23/2004	3/25/2004	<0.064				
					SW3010	200.8	10	0.79	10	8/23/2004	8/24/2004	<0.79				
-	-	-	-	-	-	Apr-05	NS									
Dissolved	6010B	10	-	1	9/15/2005	9/27/2005	ND									
Well abandoned March 2006																



California Regional Water Quality Control Board
San Diego Region



Linda S. Adams
 Secretary for
 Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
 Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger
 Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
 (858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

January 14, 2008

San Diego County Regional Airport Authority
 Environmental Affairs Department
 Attn: Richard Gilb, Manager
 P.O. Box 82776
 San Diego, CA 92138-2776

Dear Mr. Gilb:

**SUBJECT: FINAL CLOSURE PLAN, FORMER NAVAL TRAINING CENTER (NTC)
 LANDFILL, SAN DIEGO, CALIFORNIA**

The California Regional Water Quality Control Board, San Diego Region (Regional Board) conducted a cursory review of the "Closure Plan, Former Naval Training Center Landfill, San Diego, California" prepared by Ninyo and Moore, dated October 19, 2007 (Final Closure Plan). Based on our review, the Regional Board concludes that all our comments and concerns (letter dated June 15, 2007) on the Draft Closure Plan (dated March 1, 2007) are adequately addressed. Regional Board input on the Final Closure Plan was delayed until receipt of the Notice of Determination (dated December 10, 2007) from the San Diego County Regional Airport Authority (Airport Authority) certifying the Final Environmental Impact Report and approving the NTC Landfill Project. **Provided that the activities are implemented in accordance with the Final Closure Plan, the Regional Board has no objections to the Project.**

In part, the Project involves disposal of waste, unsuitable for onsite reuse, at appropriately permitted landfills. Permitted landfill operators are responsible for the accurate and adequate characterization of waste to ensure compliance with permits, and the environmental impacts resulting from activities conducted at their facilities. Therefore, the Regional Board strongly urges the Airport Authority to provide a waste characterization sampling and analysis plan to operators of selected facilities and acquire their approval. For disposal at municipal landfills within the San Diego Region, the waste needs to be characterized as nonhazardous solid waste as defined by Title 27 §20220, unless the facility is authorized by the Regional Board to accept designated waste.

California Environmental Protection Agency

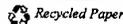


EXHIBIT NO. 6
APPLICATION NO.
6-07-108
RWCQB Letter
California Coastal Commission

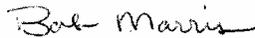
Mr. Gilb
Final Closure Plan
Naval Training Center Landfill
San Diego, California

- Page 2 of 2 -

January 14, 2008

If you have any questions regarding this letter, please contact Beatrice Griffey by phone at (858) 467-2728 or via e-mail at BGriffey@waterboards.ca.gov.

Sincerely,



Bob Morris, PE
Senior Water Resource Control Engineer
Land Discharge Unit

BM:bg P:\Facilities\Facilities\Landfills\Sites\NTC\Closure Plan\NTC_Final Closure Plan.doc

CC:

City of San Diego
Solid Waste Local Enforcement Agency
Attn: Mr. Bill Prinz, Acting Program Manager
1010 Second Avenue, Suite 600, MS 606L
San Diego, CA 92101-4998

San Diego Air Pollution Control District
Attn: Mr. Richard Smith, Director
10124 Old Grove Road
San Diego, CA 92131

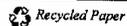
California Integrated Waste Management Board
Permitting and Enforcement Division
Attn: Mr. John Macanas
1001 I Street
P.O. Box 4025
Sacramento, CA 95812-4025

San Diego County Regional Airport Authority
Attn: Mr. Ted Anasis, AICP
P.O. Box 82776
San Diego, CA 92101

CC via email:

City of San Diego, Environmental Services, Mr. Steven F. Fontana
(SFontana@sandiego.gov), Ms. Linda Pratt (LPratt@sandiego.gov),
Mr. Garth Sturdevan (GSturdevan@sandiego.gov)

California Environmental Protection Agency



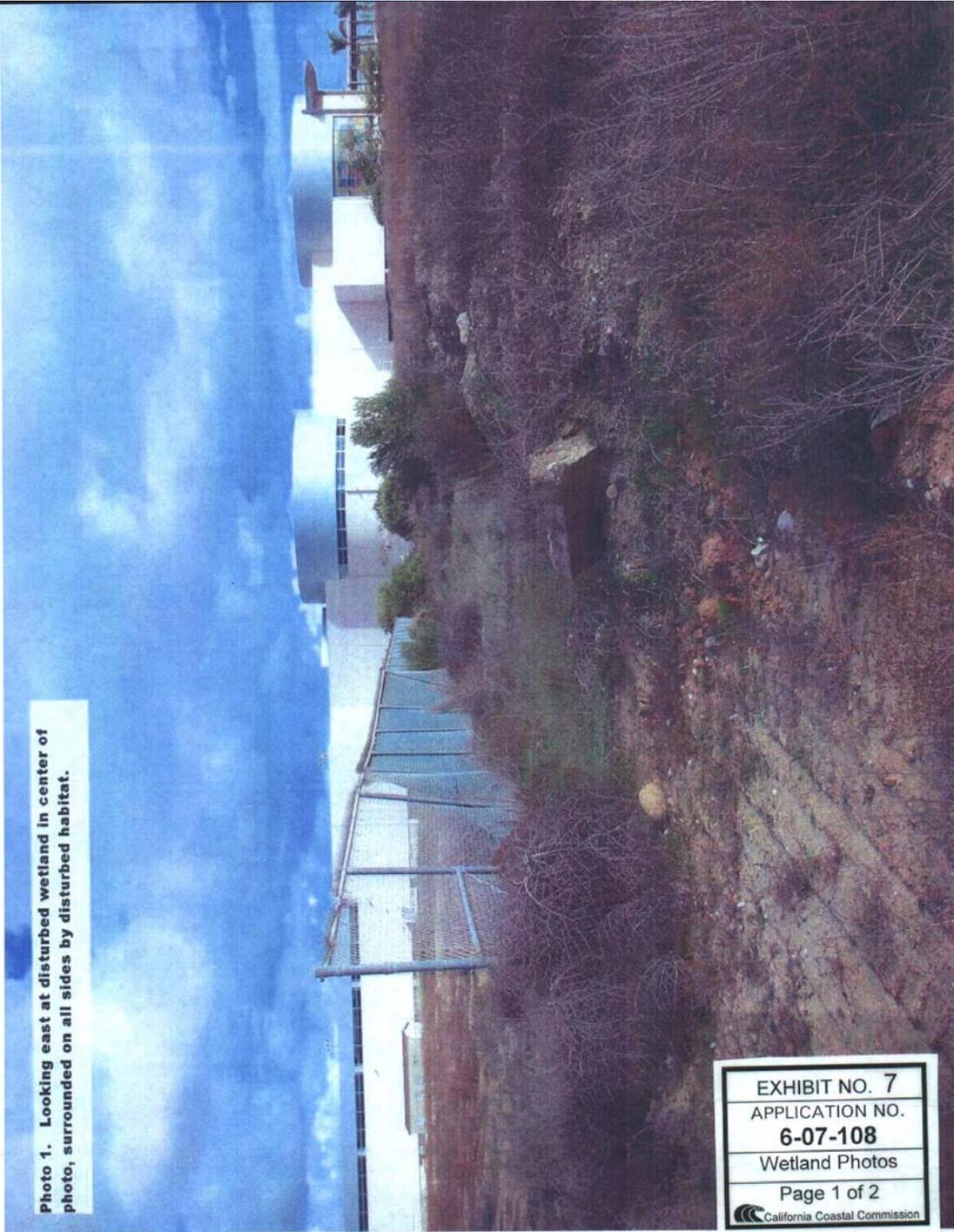


Photo 2. Close-up view of disturbed wetland, looking east.

