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STAFF REPORT: REGULAR CALENDAR

Consistency Certification No.: **CC-056-11**

Applicant: **San Diego Association of Governments (SANDAG)**

Location: Los Angeles to San Diego (LOSSAN) Rail Corridor from the southern end of Los Penasquitos Lagoon (milepost 247.6) to the Sorrento Valley train station (milepost 249), Sorrento Valley, San Diego County.

Project Description: Construction of a one-mile section of second mainline railroad track, replacement of three existing bridges, extension of the Sorrento Valley train station platform, and construction of additional parking areas.

Staff Recommendation: Concurrence

SUMMARY OF STAFF RECOMMENDATION

The proposed Sorrento Valley Double Track (SVDT) project is located along the Los Angeles to San Diego (LOSSAN) Rail Corridor in Sorrento Valley, within San Diego County, and extends from the southern end of Los Penasquitos Lagoon to the Sorrento Valley train station. The SVDT project would add approximately one-mile of second mainline track to the existing railroad,

extend the Sorrento Valley train station platforms, add additional station parking areas, and replace three existing bridges. The San Diego portion of the LOSSAN Corridor serves freight, commuter, and intercity rail services. This project would increase the railroad's schedule reliability, operational flexibility, capacity, and level of service by providing a second track where trains can stop to allow other trains to pass, raising the new and existing track above the 50-year flood plain to minimize damages and delays caused by flooding, and upgrading the station to accommodate larger trains and an increase in ridership.

The project site and surrounding area contain wetland and riparian habitat with sensitive vegetation communities that have the potential to support federally listed species, including least Bell's vireo. Overall, project activities would impact 2.89 acres of wetland and open water habitat (0.25 acres of short-term temporary impacts, 1.85 acres of long-term temporary impacts, and 0.79 acres of permanent impacts). The project is sited and designed to minimize impacts to environmentally sensitive habitat areas (ESHA), incorporates biological monitoring and contingency measures to reduce any potential impacts to sensitive species, and is consistent with the ESHA policies of the Coastal Act (Section 30240). A portion of the project would involve fill of wetlands, triggering the three-part test of Section 30233(a) of the Coastal Act. The project includes comprehensive on- and off-site mitigation, monitoring, and revegetation plans to mitigate all impacts to wetland habitat. The project is consistent with the wetland fill alternatives and mitigation tests but is not consistent with the allowable use test of Section 30233(a) because the project would, cumulatively and over time, increase the capacity of the LOSSAN corridor (and thus is not an incidental public service). Therefore, the project can only be found consistent with the Coastal Act through the "conflict resolution" provision contained in Section 30007.5.

The project includes adequate measures to protect water quality and would reduce automobile congestion, miles traveled, energy consumption, air emissions, and non-point source pollutants into nearby water bodies. The proposed project would maintain and enhance public access by expanding the rail line used by SANDAG and other rail services, which in turn helps to reduce automobile traffic on I-5 in an area where this freeway supports public access and recreation. Expansion of the station parking areas would ensure adequate parking facilities to support access to the Coastal Zone via railroad service. Therefore, the project is consistent with the water quality, air quality, energy conservation, and public access policies of the Coastal Act (Sections 30231, 30232, 30253(d), 30210, 30212.5, and 30252).

The proposed project creates a conflict between the allowable use test of the wetland policy and the public access and transit, water quality, air quality, and energy conservation policies of the Coastal Act. The project is similar to a number of previous SANDAG double tracking projects which the Commission determined could be concurred with using the conflict resolution section of the Coastal Act. Staff is recommending a similar approach in this case, recommending that Commission concur with this consistency certification because the project would, on balance, be most protective of significant coastal resources. Therefore, the project is consistent with the conflict resolution policy of the Coastal Act (Section 30007.5).

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I. FEDERAL AGENCY'S CONSISTENCY CERTIFICATION

The San Diego Association of Governments (SANDAG) has certified that the proposed activity complies with the California Coastal Management Program and will be conducted in a manner consistent with such program.

II. MOTION AND RESOLUTION

Motion:

> *I move that the Commission **concur** with consistency certification CC-056-11 that the project described therein is consistent with the enforceable policies of the California Coastal Management Program.*

Staff recommends a **YES** vote on the motion. Passage of this motion will result in a concurrence with the certification and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

Resolution:

> *The Commission hereby **concurs** with consistency certification CC-056-11 by SANDAG on the grounds that the project is consistent with the enforceable policies of the California Coastal Management Program.*

III. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed Sorrento Valley Double Track (SVDT) project is located along the Los Angeles to San Diego (LOSSAN) Rail Corridor in Sorrento Valley, within San Diego County, and extends from the southern end of Los Penasquitos Lagoon (milepost 247.6) to the Sorrento Valley train station (milepost 249) (see **Exhibit 1** for the project location). The SVDT project would add approximately one-mile of second mainline track to the existing railroad, extend the Sorrento Valley station platforms, add additional parking areas, and replace three bridges. Additional elements associated with the project include construction of three retaining walls, pedestrian gates and a signal house, drainage ditch modifications, installation of riprap, and the import of fill. All permanent improvements would be constructed in the railroad right-of-way. The San Diego portion of the LOSSAN Corridor serves freight, commuter, and intercity rail services including Burlington Northern and Santa Fe Railway Company Railway freight trains, AMTRAK Pacific Surfliner intercity passenger trains, the North County Transit District Coaster trains, and the Southern California Regional Rail Authority Metrolink trains. This project would increase the railroad's schedule reliability, operational flexibility, capacity, and level of service by providing a second track where trains can stop to allow other trains to pass. In addition, this project would raise portions of the existing and the new rail track above the 50-year floodplain,

helping to minimize repair and maintenance required when the rail frequently floods, as well as the associated disruptions and delays in rail operations.

The SVDT project would be conducted in three phases (Phase I, Ia, and II) over a period of 18 months in order to limit the effects on existing train operations (see **Exhibit 2** for elements of each construction phase). The second mainline track added from milepost 247.8 to milepost 248.9 would be raised a maximum elevation of 5 feet and located 25 feet east of the existing track. The existing track would also be raised to the level of the new track. Overall, 32,612 cubic-yards of soil fill would be required to construct the new embankment for the two tracks (see **Exhibit 3** for typical cross sections of the double track construction). The toe end of the western embankment would be modified and lowered, resulting in an expansion of wetland area along Soledad Creek. To protect the tracks from storm water flows, 5,992 tons of rip-rap would be installed on the western slope of the embankment.

Bridges 247.7, 248.5, and 248.7 would be replaced with more modern structures as part of this project as they are reaching the end of their service life and require frequent maintenance. Bridge 247.7 would be replaced in-line and shortened by 28 feet. Bridge 248.5 would be replaced with 2 concrete pipes buried one foot under the proposed grade and would convey water from Los Penasquitos Creek during substantial rains. Bridge 248.7 would be lengthened and replaced east of the existing bridge and would consist of concrete double cell box girder spans. The lengthening of the Bridge 248.7 would create additional wetland area beneath and adjacent to the bridge.

The Sorrento Valley train station platforms would be extended 200 feet to the north and 500 feet to the south to accommodate up to 10-car trains with two locomotives. To comply with safety requirements for the larger platform, sidewalks directly adjacent to the crossing areas would be expanded and pedestrian gates would be installed. A temporary parking area would be created south of Sorrento Valley Boulevard to serve as replacement parking during project construction. Eventually, this area would be converted to a new permanent parking area to accommodate the increased ridership anticipated from the project. The parking improvements would increase parking from 122 to 183 spaces (174 regular and 9 ADA compliant spaces), and include new lighting, landscaping, and electric vehicle charging stations.

Additional components constructed to support the functionality of the project include three retaining walls, a drainage ditch, and a signal house. The three retaining walls would be constructed east of the track, one between Bridge 247.7 and Bridge 248.5 with a channel for local drainage, one to support the existing parking lot, and one to support the new parking lot. A drainage ditch that conveys storm water to Bridge 247.7 would be modified and shifted east towards the industrial portion of the site. The new ditch would be designed to contain 50-year design flows without posing any additional impacts to adjacent properties which might occur during a 100-year flood event. The ditch includes the minimum armoring needed to accommodate the estimated storm water velocities, one section using concrete side slopes and an articulated concrete block bottom and the other section with earthen side slopes and an earthen bottom. Lastly, a steel signal house would be constructed to house the signal equipment required to operate the new turnout across from the ditch.

The land uses surrounding the proposed project include I-5, I-805, commercial development to the east and south, and undeveloped and commercial land to the west and north. Soledad Creek flows along the western side of the railroad and Los Penasquitos Creek flows from the east under Bridge 248.7, both of which flow through the riparian forest and scrub vegetation adjacent to the railroad and discharge into Los Penasquitos lagoon within Torrey Pines State Park west of the project.

The subject consistency certification is the latest in a series of consistency certifications submitted by SANDAG and NCTD for railroad bridge replacement and construction of sections of double tracking along the LOSSAN corridor in San Diego County. The Commission previously concurred with: (1) the 2.6-mile-long Pulgas to San Onofre double tracking at the north end of Camp Pendleton (CC-086-03); (2) the 2.9-mile-long Santa Margarita River double tracking project at the south end of Camp Pendleton (CC-052-05); (3) replacement of the railroad bridge over Agua Hedionda Lagoon (CC-055-05); (4) the 2.7-mile-long O'Neill to Flores double track project in central Camp Pendleton (CC-004-05); (5) the 1.2-mile-long extension of passing track and construction of one replacement and one new railroad bridge over Loma Alta Creek in Oceanside (CC-008-07); (6) the replacement of three timber railroad bridges over Los Penasquitos Lagoon in San Diego (CC-059-09); (7) the construction of a 2.4-mile-long segment of second mainline railroad track and second railroad bridge over Agua Hedionda Lagoon in the City of Carlsbad (CC-075-09); (8) the construction of a 1.2-mile-long segment of the second mainline railroad track and a steel double-track bridge in Sorrento Valley in the City of San Diego (CC-052-10); and (9) construction of 4.3 miles of second main railroad track and replacement of timber trestle bride with soft-bottom concrete box culvert, south of San Onofre, Mile Post 212.2 to 216.5, within railroad right-of-way adjacent to Interstate 5, Camp Pendleton (CC-009-12).

B. OTHER AGENCY APPROVALS

U.S. Army Corps of Engineers (ACOE) and California Regional Water Quality Control Board (RWQCB)

The project needs a "Section 404" permit from the U.S. Army Corps of Engineers. SANDAG has submitted an application for this permit and anticipates it would be covered under the Nationwide Permit No. 14-Linear Transportation Projects. ACOE cannot authorize the project under Nationwide Permit No. 14 until SANDAG has received a Consistency concurrence from the Coastal Commission and 401 Certification from the RWQCB. An application to the RWQCB has also been submitted by SANDAG and is pending.

C. COASTAL COMMISSION JURISDICTION AND STANDARD OF REVIEW

The project triggers federal consistency review because it needs a U.S. Army Corps of Engineers ("Clean Water Act Section 404") permit. The standard of review for federal consistency certifications is consistency with the enforceable policies (i.e., Chapter 3) of the Coastal Act. The Commission also believes the project is subject to the permitting requirements of the Coastal Act; however, SANDAG and NCTD disagree with this position. Those agencies believe that based on a decision by the federal Surface Transportation Board, they are not required to obtain coastal development permits for track improvements and are only subject to federal consistency

review for such projects. However, the Commission still holds to its long-standing position that railroad projects in the LOSSAN corridor sponsored by SANDAG and NCTD, especially if affecting mass transportation, including the proposed project, are subject to the permitting requirements of the Coastal Act. The Commission further notes that NCTD has previously applied for a number a permits for its rail improvement activities in other sections of the coast, including CDP's No.: 6-03-102-G (Agua Hedionda emergency repairs), 6-02-152 (San Luis Rey River bridge repair), 6-02-151 (Agua Hedionda bridge), 6-02-102 (Del Mar drainage outlets), 6-02-80 (Santa Margarita Bridge repair), 6-01-64 (Balboa Avenue), 6-01-108 (Tecolote Creek), 6-93-60 (Del Mar), 6-94-207 (Solana Beach), 6-93-106 (Carlsbad), and 6-93-105 (Camp Pendleton). Notwithstanding this disagreement about whether a coastal development permit is needed, there is no dispute that the project is subject to the Commission's federal consistency review authority, which involves a similar standard of review, and employing that standard, the Commission concurs with this consistency certification based on its finding that the project is consistent with the Coastal Act.

D. WETLANDS

Section 30233(a) of the Coastal Act states, in part:

> *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:*
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> > *. . . (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*

The majority of the proposed project would occur within previously developed areas in the railroad right-of-way. The 2011 *Biological Technical Report* (*BTR*) and the 2012 *Biological Technical Report Addendum and Response to CCC Information Requests* for the Sorrento Valley Double Track project document the existing wetland, riparian, and open water resources in and adjacent to the project area, the anticipated permanent and temporary impacts to those resources from the project, and the avoidance, minimization, and mitigation measures to be implemented. Sensitive wetland vegetation communities which occur at the project site and would be impacted include coastal valley and freshwater marsh (CVFM), southern arroyo willow riparian forest (SAWRF), and southern willow scrub (SWS). Other habitats in the project area are classified as disturbed wetland (areas dominated by hydrophytic species degraded by human disturbance from clearing and dumping), Arundo-dominated riparian (areas comprised of the invasive species giant reed- *Arundo donax*), open water (areas with standing or flowing water with little or no vegetation), urban developed (areas with no biological function or value that have been altered by grading and compacting of soils to build infrastructure), and disturbed habitat (areas disturbed from adjacent development). Detailed impacts by habitat type can be found in Table 4 of **Exhibit 4**. Overall, the project would result in 2.89 acres of temporary and permanent impacts to wetland and open water habitat within the coastal zone as described below.

Permanent impacts (0.79 acres)
The project would permanently impact 0.10 acres of disturbed wetland habitat, 0.44 acres of Arundo-dominated riparian, 0.04 acres of SAWRF, 0.06 acres of SWS, and 0.15 acres of open water. However, project design features would create additional acres of wetland habitat. Lengthening Bridge 248.7 would create 0.16 acres of wetland habitat beneath and adjacent to the bridge and refining the toe of the western embankment would create 0.39 acres of wetland habitat along Soledad Creek. These areas currently support non-sensitive upland habitat and after construction would be revegetated with SWS, SAWRF, and CVFM plants as appropriate (see **Exhibit 5** for a map of wetland establishment areas on-site). As a result, the net permanent impacts to CCC wetlands would be a loss of 0.24 acres of wetlands (0.79 acres impacted subtracted by 0.55 acres created). Since 0.44 acres of the permanent impacts would be to Arundo-dominated riparian habitat, which consists mainly of invasive *Arundo donax* species and offers little to no habitat value, SANDAG considers the remaining 0.24 acres of net impact to be to these Arundo-dominated riparian areas.

Temporary Impacts (2.10 acres)
SANDAG classifies impacts to riparian and wetland habitats as temporary if these areas are revegetated and restored to pre-project conditions within six months of the initial disturbance. Temporary impacts associated with the proposed project consist of mechanical clearing of vegetation and movement of earth. The project would temporarily impact 0.02 acres CVFM, 0.29 acres of Arundo-dominated riparian, 0.76 acres of SAWRF, 0.80 acres of SWS, 0.18 acres of open water, 0.01 acres of urban/developed habitat, and 0.04 acres of disturbed habitat. Given the disparity in reported lengths of time for certain habitat types to recover from project construction activities, CCC staff requested that SANDAG separate temporary project impacts into short-term temporary and long-term temporary impacts. SANDAG did so as follows:

- *Temporary short-term impacts*-impacts to open water and CVFM, since these areas would be graded to match pre-project contours and replanted with native species that rapidly re-establish (.25 acres).

- *Temporary long-term impacts*- impacts to riparian habitat such as SAWRF and SWS, since it would take at least 12 months from revegetation for the habitats to re-establish to their current density (1.85 acres).

A portion of the permanent and temporary impacts discussed above would involve fill of wetlands. In particular, raising the level of the new embankment and the construction associated with replacing Bridges 248.7 and 248.5 would require fill of wetlands. As such, the project triggers the three-part test of Coastal Act Section 30233(a) because the project includes temporary and permanent fill in wetlands and coastal waters. The Commission therefore needs to analyze the project's consistency with the allowable use, alternatives, and mitigation tests of Section 30233(a).

Allowable Use
Under the first of these tests, a project must qualify as one of the seven allowable uses listed under Section 30233(a). The only one that could arguably apply would be the "incidental public service purpose" use in Section 30233(a)(4). The Commission has considered minor expansions of existing roads, an airport runway (City of Santa Barbara, CC-058-02), and NCTD double tracking projects (CC-086-03, CC-052-05) in certain situations to qualify as "incidental public service purposes," and thus allowable under Section 30233(a)(4), but only where no other feasible less damaging alternative exists and the expansion is necessary to maintain existing traffic capacity.

The Commission has accepted the assertion that double track projects are an incidental public service in two previous concurrences with NCTD double track construction projects in northern San Diego County which involved fill of coastal waters and wetlands (CC-086-03 and CC-052-05). The Commission found in CC-052-05 that:

> *Allowable Use Test - Coastal Act Section 30233(a). Section 30233(a) does not authorize wetland fill unless it meets the "allowable-use" test. Similar to the Commission decision regarding safety improvements at the Santa Barbara Airport (CC-58-01), the proposed project is an allowable use as an incidental public service because is it necessary to maintain existing passenger service. The second main track project is being proposed to streamline service for existing trains, and would not result in an increase in the number of trains (capacity) utilizing the tracks. Rather, the proposed project would improve mass transit services by providing more efficient services, thereby increasing the incentive for travelers to choose this mass transit option instead of personal automobiles. Therefore, any increase in utilization of the train service would be related to an increase in number of passengers aboard, rather than an expansion of train services.*

However, the Commission subsequently found in CC-004-05 (NCTD, O'Neil to Flores double track) that:

> *In finding those projects [CC-086-03 and CC-052-05] "limited expansions" and "necessary to maintain existing capacity," and thus an allowable use as an incidental public service under Section 30233(a)(5)* [now (a)(4)]*, the Commission reserved the concern over future double tracking proposals, stating that they would not necessarily continue to qualify under this section, because at some point with increasing numbers of double tracking proposals, the double tracking: (a) will no longer be limited; and (b) will contain enough length of a second set of tracks to in fact constitute an increase in capacity. However, at that time and in those locations the Commission found that the double tracking projects did not meet either of these thresholds that would render the projects ineligible for consideration as an incidental public service.*
>
> *The piecemeal nature of NCTD's submittals has faced the Commission with a continuum of improvements, rather than a single unified project, which has made*

> *the determination of when increases in capacity are triggered a difficult one. To assist in this determination the Commission staff has requested information both about future double tracking proposals NCTD (or other proponents) are considering or planning for, and about documenting the public access benefits of improving public transit. On the first request, NCTD states future double-tracking proposals on Camp Pendleton would likely only be part of more comprehensive transportation improvement programs such as Los Angeles-San Diego Rail Corridor Agency (LOSSAN) and/or California High Speed Rail Authority projects. NCTD states:*
>
> *Currently, no additional future double-track projects have been identified by NCTD to be constructed within the Camp Pendleton area. It should be noted, however, that NCTD performs railroad maintenance-of-way activities on a continuous basis, is required to respond promptly to emergency situations as they may occur along the railroad right-of-way, and is mindful of pursuing potential opportunities that may improve railroad operations. As such, it is possible that double-tracking projects may arise in the future as individual projects or as part of comprehensive transportation improvement programs, such as LOSSAN and/or the California High Speed Rail Authority.*
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> *On the second request for individual and cumulative benefits, NCTD has provided the detailed discussion . . . which establish that the project will benefit public access. This discussion, combined with the programmatic operational discussion contained in the Fish and Wildlife Service's Biological Opinion . . . make it clear that the numbers and speeds of trains are going to increase, if not individually from this project, then certainly cumulatively based on currently planned improvements, leading the Commission to conclude that the project is likely to increase capacity. If it increases capacity, it does not qualify as an allowable use under Section 30233(a) as an incidental public service, and none of the other eight allowable uses in Section 30233 apply. Therefore, as discussed in the previous section of this report (Section B, and with elaboration in Section F), the only way the Commission could find the project consistent with the Coastal Act would be through the "conflict resolution" provision (Section 30007.5).*

As a result, while the Commission concurred with CC-004-05, it found that the project was not an allowable use under Section 30233(a). However, the Commission found that the impacts on public access, water and air quality, and energy conservation from not constructing the project would be inconsistent with other policies listed in Chapter 3 of the Coastal Act and would be more significant and adverse than the project's wetland habitat impacts (as mitigated). Using the "conflict resolution" provision of Section 30007.5 of the Coastal Act, the Commission concluded that concurrence with the consistency certification would, on balance, be most protective of coastal resources. The Commission also used the "conflict resolution" provision to concur with similar double track projects in San Diego County (CC-008-07, CC-059-09, CC-075-09, and CC-052-10). Therefore, the proposed project is not an allowable use under Section 30233(a) and,

as discussed below in Section I of this report, the only way the Commission could find this project consistent with the Coastal Act would be through the "conflict resolution" provision of Section 30007.5.

Alternatives

Concerning the alternatives test of Section 30233(a) for the proposed project, SANDAG sited the project and incorporated specific design features in a manner that would minimize impacts to coastal resources. SANDAG chose to site the location of the second track east of the existing track in a more industrialized and impacted area, avoiding unnecessary impacts to the dense SAWRF in Soledad Canyon west of the project. As a result, the majority of the fill for the second track would occur within the track ditch to the east of the existing track as opposed to the wetland habitat to the west. In addition, Bridge 247.7 would be replaced in-line to minimize those impacts to Los Penasquitos Lagoon which would have occurred through use of the off-line replacement design. Although a large amount of fill is required to raise the track above the 50-year floodplain, this section of the railroad routinely floods, requiring repair and maintenance activities that result in further environmental impacts. By raising the track, the project minimizes the potential for impacts from future floods. The chosen north end point of the project was thoughtfully designed as not to predetermine the location of future northern track improvements or modifications. The current track north of the SVDT project traverses Los Penasquitos Lagoon. The design and end location of the SVDT project would not inhibit any potential future decision to reroute the track through a more industrialized area.

The project has included the option to use either fill or a temporary trestle for access to the proposed Bridge 248.7 replacement construction zone. The fill and trestle construction options would result in the same quantity of acres impacted (0.038 acres permanent and 0.331 acres of temporary impacts), but would differ in the magnitude of temporary impacts. The fill berm option would cover 0.10 acres of the creek bottom and use pipes to convey the low water flows and rock material. The trestle would be mounted on piles with small cross sections resulting in a much smaller temporary construction footprint on the creek. The trestle option would also avoid any temporary sedimentation impacts to the open water habitat of the creek and the downstream lagoon. However, the trestle option would require additional construction time to build and remove and additional stops to maintain safety as trains pass (8 weeks total). The trestle option is also more expensive than the fill option. In addition, the construction of the trestle would involve continuous and high noise levels generated by pile driving which could impact least Bell's vireo nesting activities if occurring in the surrounding area. The fill option can be built quickly with no stoppages needed for safety as trains pass, and would create a lower duration and level of noise. SANDAG has incorporated both options in case the contractor has a work trestle available which would reduce cost and schedule impacts for this option. SANDAG has thoroughly evaluated the impact of both options and provided sufficient mitigation for the acreage impacts. The Commission has approved temporary earth fills to facilitate bridge construction in double track projects in the past (CC-052-10). Thus, the Commission agrees that no less environmentally damaging alternative for this project is feasible or available.

Mitigation

The impacted wetlands on the project site provide hydrologic and biogeochemical functions which improve the water quality of Los Penasquitos lagoon including ground water recharge,

energy dissipation, flood water retention, sediment and organic matter transport, cycling and removal of nutrients, and removal of imported elements and compounds. In addition, these wetlands provide potential foraging, nesting, and breeding habitat for common and rare species. The goal of the on-site enhancement, establishment, and revegetation, and off-site mitigation plan is to replace any functions and services impacted by the project. SANDAG would accomplish this goal by improving the wetland habitat values on-site and by establishing additional acreage of wetland and riparian habitat off-site.

As noted earlier in the report, the project would permanently impact 0.24 acres of CCC wetlands (this figure is derived by subtracting 0.55 acres of wetland being created from 0.79 acres of wetland being affected). However, because a large portion of the 0.79 acres wetland area permanently impacted consists of invasive, non-native Arundo-dominated riparian habitat (0.44 acres), it does not require mitigation, and the project thus provides a net *increase* in wetland habitat, with 0.35 acres (0.79 minus 0.44 acres) being offset by the creation of 0.55 acres of new wetland habitat from the bridge lengthening and fill removal elements of the project. Thus, further mitigation is not required for permanent impacts.

As for the 2.10 acres of temporary impacts, all short-term temporary impacts would be mitigated at a ratio of 1:1, while long-term temporary impacts would be mitigated at a ratio of 2:1. All impacts to CVFM and open water, considered short-term temporary, would be revegetated and restored at their original locations to pre-construction contours and elevation to provide the 1:1 mitigation. All impacts to SWS and SAWRF, considered long-term temporary, would be revegetated and restored at their original locations to pre-construction contours and elevation to partially provide for the 2:1 mitigation (see **Exhibit 6** for revegetation areas on-site). The remaining 1.56 acres of wetland habitat required to mitigate for the long-term temporary impacts would be fulfilled through the creation of 1.10 acres of wetland habitat at an off-site location, and 0.46 acre of enhancement on-site through the replacement of Arundo-dominated habitat with SWS and the removal of exotic species (see **Exhibit 7** for enhancement areas on site).

SANDAG would be responsible for the implementation of the on-site mitigation and monitoring plan pursuant to the regulatory permits issued by United States Army Corps of Engineers (ACOE) and the Regional Water Quality Control Board (RWQCB). On-site establishment, enhancement, and revegetation areas would be graded and cleared of vegetation within six months of the initial habitat disturbance, prior to restoration. After construction activities are completed, these areas would be planted and seeded with a diverse mix of native SWS, SAWRF, and CVFM species as appropriate. To avoid introduction of non-indigenous plant materials, native plant stocks would be taken from seed and propagules colleted within San Diego County, local to the mitigation site when possible. After plant installation is completed, these areas would be maintained and monitored for 5 years. Maintenance activities would be conducted on a bi-weekly to monthly basis for the first year and quarterly thereafter and include repair of any areas vandalized, removal of invasive/exotic species, and replacement of plantings and temporary irrigation as needed.

Monitoring activities would be conducted quarterly during the first two years and annually thereafter until the final success criteria are met. Success criteria based on percent survivorship, native species cover, and exotic species cover would be assessed each year using qualitative and

quantitative monitoring. SANDAG would use an unimpacted portion of Soledad Creek between the project and the off-site mitigation as a reference site. Annual monitoring reports would be submitted for 5 years in accordance with all relevant permits from ACOE and RWQCB. In order for the on-site restoration to be successfully completed after 5 years, the establishment, enhancement, and revegetation areas must contain self-sustaining plants with 80% native species cover, less than 5% cover of annual exotic species, and 0% cover of perennial exotics species. The restoration of on-site areas would be reviewed and approved by Commission staff in consultation with ACOE and RWQCB.

The off-site mitigation is sited west of the project area within Torrey Pines State Park adjacent to Flintkote Avenue (see **Exhibit 1**). The site is owned by the State of California, Department of Parks and Recreation (DPR), but SANDAG would be responsible for the implementation of the off-site mitigation and monitoring plan pursuant to the regulatory permits issued by ACOE and RWQCB. The Torrey Pines mitigation site is currently composed of upland non-native grassland, bisected by an asphalt road, and contributes little wildlife habitat or hydrological function. SANDAG would restore 1.10 acres of wetland habitat at the mitigation site to contribute to the overall function of the Los Penasquitos watershed. The restoration for the site would involve relocating the road west of the mitigation area, grading, and planting 1.10 acres of alkali marsh. A majority of the wetland habitat temporarily impacted by project activities which required the off-site mitigation was willow habitat (SWS and SAWRF). While the Commission typically requires in-kind mitigation, DPR has requested that the mitigation on State Parks property be focused on alkali marsh vegetation because increases in anthropogenic freshwater and sediment input have resulted in the predominance of willow habitats and displacement of lower-saturated alkaline habitats. Los Penasquitos Lagoon has been identified as a Critical Coastal Area and one of the goals of the recently approved sediment total maximum daily load for the Lagoon is to increase acreage of habitats with saline/alkaline affinities. Therefore, the re-establishment and expansion of alkali marsh in the Lagoon would provide a more significant ecological benefit to the watershed than planting willow habitat.

In addition, the project as designed already provides replacement for losses to willow habitat through the following:

- 0.51 acres of area established along the toe of the western embankment and beneath Bridge 248.7, revegetated with willow.
- 1.56 acres of temporarily impacted areas revegetated with willow.
- 0.13 acres of invasive Arundo and ice plant removed and replanted with willow.
- 0.15 acres of temporarily impacted Arundo-dominated riparian habitat replaced with willow.

Therefore, there would be a net increase in willow habitat on the project site of 0.69 acres (2.62 acres created through establishment, enhancement, and revegetation minus 1.66 acres impacted).

The grading for the off-site mitigation project would occur at the same time as project construction and the implementation would continue over a period of 18 months. SANDAG has chosen an alkali marsh reference area for the mitigation site upstream on City property in Penasquitos Canyon. Plant palettes would consist of species occurring on-site that are known to

perform well in habitat restoration programs and would improve age structure and structural diversity. To avoid introduction of non-indigenous plant materials, native plant stocks would be taken from seed and propagules colleted within San Diego County, local to the mitigation site when possible. The maintenance and monitoring phases would begin once the site has been planted and continue for 5 years. Maintenance activities would be conducted on a monthly basis during the rainy season for the first two years and quarterly thereafter and include trash removal, weed eradication, and replacement planting when necessary.

Monitoring would occur quarterly for the first two years and annually thereafter until the final success criteria are met. Performance standards based on percent cover of native and exotic species would be use to evaluate the success of the site. Annual monitoring reports for 5 years would be submitted in accordance with all ACOE and RWQCB permits. For the off-site restoration to be successfully completed after 5 years the mitigation site must contain self-sustaining plants with 80% native species cover, less than 5% cover of annual exotic species, and 0% cover of perennial exotics species. SANDAG expects the mitigation site to be fully established and restored 5 years after plant installation. Contingency measures would be implemented in the event that performance standards are not met for the mitigation site which may include supplemental planting, irrigation or site grading, design changes, or relocating restoration activities to an alternative mitigation site as approved by the participating agencies. The restoration of off-site areas would be reviewed and approved by Commission staff in consultation with ACOE and RWQCB. Once approved the long-term management of the site would be by DPR.

With the above mitigation, restoration, and monitoring plans, the Commission finds that the project includes sufficient measures to mitigate the project's wetland impacts.

Conclusion

The Commission finds that the proposed project is consistent with the wetland fill alternatives and mitigation tests, but is not consistent with the allowable use test of Section 30233(a) of the Coastal Act for the reasons described above. The only way the Commission could concur with this consistency certification would be if it finds the project consistent with the Coastal Act through the "conflict resolution" provision contained in Section 30007.5 (see Section I below).

E. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Coastal Act Section 30240 states that:

> *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
>
> *(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas*

In addition, Coastal Act Section 30107.5 defines "Environmentally sensitive area" as follows:

> *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

The proposed project would result in temporary and permanent impacts to wetland areas, including sensitive riparian habitat and open coastal waters, which have the potential to provide suitable nesting and/or foraging habitat for federally listed species such as California gnatcatcher, least Bell's vireo, light-footed clapper rail, southwestern willow flycatcher, and tidewater goby. Thorough biological surveys were conducted to identify sensitive species occurring in the vicinity of the project including focused surveys in 2011 for the presence of California gnatcatcher, least Bell's vireo, southwest willow flycatcher, and tidewater goby, as detailed in the 2011 *Biological Technical Report* prepared for the SVDT project. The only species observed within the project vicinity (but not within the project area) was least Bell's vireo. Portions of the survey area are considered functional wildlife corridors as they provide a connection between coastal and inland habitats. In particular, this area connects Los Penasquitos Lagoon and Torrey Pines State Park to Los Penasquitos Canyon Preserve. In addition, the surrounding lagoon and riparian habitats represent an important biological resource within an otherwise highly developed area. As the sensitive vegetative communities around the project serve an important ecological function of a wildlife corridor and support sensitive and rare species such as the least Bell's vireo, they can be considered environmentally sensitive habitat areas (ESHA). Coastal Act Section 30240(b) requires development in areas adjacent to ESHA to prevent impacts which would significantly degrade those areas.

The proposed project would not directly inhibit wildlife movement through the wildlife corridor, as it occurs within the existing railroad right-of way and is confined to the railroad and small portions of adjacent land. As discussed in the Section D above (Wetlands), the project includes comprehensive mitigation, monitoring and revegetation plans to mitigate for all impacts to these habitats and potential subsequent impacts to the species the habitats may support. The on- and off-site mitigation for the project would ensure no net loss of environmentally sensitive habitats and the enhancement of such habitats currently on the site. Therefore, the development is designed to prevent impacts that would degrade the wetland areas on site and surrounding the project area. In order to minimize potential impacts to least Bell's vireo and clapper rails, all vegetation clearing, especially to SAWRF and SWS, would be completed outside of the least Bell's vireo and clapper rail breeding season. Nesting surveys for least Bell's vireo would be conducted during construction and contingency measures are outlined in the event that active nests are identified in close proximity to project construction. Surveys of potential clapper rail habitat would also be conducted with contingency measures implemented in the event that clapper rails are present in the project area. Furthermore, an approved biologist would be onsite to oversee compliance with all protective measures included in the project.

Project activities would occur adjacent to Torrey Pines State Park and off-site mitigation would occur within the park, and therefore these activities also need to be reviewed for consistency with Coastal Act Section 30240(b). The restoration project at Torrey Pines State Park would lower an

area consisting of mostly non-native vegetation and revegetate the area with appropriate native wetland plants, as well as relocate an existing asphalt road. As this development is specifically designed as a restoration project to enhance structure, function and capacity of the watershed, it has been designed to prevent impacts that could degrade those areas. SANDAG has worked closely with DPR to design a restoration plan consistent with the off-site mitigation area that would result in habitat improvements.

The Commission agrees with SANDAG that with the above measures incorporated into the project, combined with the wetland and water quality protection measures described in other sections of this report, the project is designed to prevent significant adverse impacts to ESHA within and adjacent to the project area. The Commission therefore finds the project consistent with the habitat protection policies of Section 30240 of the Coastal Act.

F. WATER QUALITY

Coastal Act Section 30231 states that:

> *The biological productivity and 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.*

Coastal Act Section 30232 states that:

> *Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

SANDAG has included in its 2012 *Conservation Measures* commitments for water quality protection for the proposed project, including development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), a Spill Prevention Containment and Countermeasure (SPCC) Plan, and associated best management practices to avoid and minimize the potential for adverse impacts to water quality in and adjacent to the project area. In addition to the implementation of these plans during construction, elements integrated into the project design would also serve to minimize impacts to water quality. To minimize impacts during the construction of Bridge 248.7, a debris containment net and a boom would be installed to catch and contain any debris that falls during demolition activities. The modifications made to the drainage ditch would include a permeable bottom to allow for infiltration of low flows. This design would reduce the transport of sediments to Los Penasquitos Lagoon. The construction of the new parking lot has the potential to increase the transport of water pollutants through storm

water run-off. To minimize this impact, the project would include low impact development features and best management practices to reduce storm water run-off.

In previous reviews of SANDAG and NCTD double tracking projects in San Diego County, the Commission concurred with these agency's determinations that:

> *Passenger rail vehicles are much cleaner than highway vehicles with respect to oil and grease drips. This is partially attributed to the fact that any drips from rail vehicles fall into a ballasted ROW, where gravel and soil act as a filter to prevent runoff from moving contaminants and because rail transportation involves less oil, grease, and other hydrocarbons than automobiles. On the other hand, automobiles are a significant source of hydrocarbons, which are then flushed by runoff from the Interstate 5 area into nearby water bodies. The proposed project will provide improved public transportation service and freight service, which will help reduce automobile congestion and reduce automobile vehicle miles traveled and the corresponding non-point source emissions.*

With the above measures, the Commission finds that the proposed project would not cause significant adverse water quality impacts at and adjacent to the project area, would minimize non-point source pollutants into nearby water bodies, and would be consistent with the water quality protection policies of Coastal Act Sections 30231 and 30232.

G. AIR QUALITY AND ENERGY CONSUMPTION

Coastal Act Section 30253(d) provides that new development shall:

> *(d) Minimize energy consumption and vehicle miles traveled…*

During its review in 2002 of NCTD's proposal for the Oceanside-Escondido Rail Project (CC-029-02), the Commission noted that the public transit project: (a) would reduce auto-related air emissions, thereby contributing to the improvement of regional air quality; (b) as part of a regional public transportation system, including bus service, light-rail and commuter trains, and trolleys, the project would increase acceptance of public transit as a desirable mode of transportation; and (c) as acceptance and use of public transit increases, public agencies may be motivated to further improve the public transit system and these improvements would result in corresponding reductions in traffic congestion. The Commission noted:

> *The air quality benefits [cited in that project's EIR] are partially offset by increased pollution caused by the train's use of diesel fuel. However, as described in the Access Section above, the proposed project will probably have significant VMT reductions as the regional mass transit program expands and as public transit becomes a more accepted mode of transportation. As the percentage of traffic accommodated by mass transit grows, there will be a corresponding reduction in air pollution from automobiles. However, there will not be a corresponding increase in air pollution as ridership of the rail system grows. As ridership grows there will be more reductions in air quality impacts from*

> *automobiles. In conclusion, the Commission finds that the proposed project will reduce energy consumption and improve air quality . . . Therefore, the Commission finds that the project is consistent with Section 30253 of the Coastal Act, and thus with the energy consumption and air quality policies of the CCMP.*

As mentioned previously in Section A (Project Description) of this report, the San Diego portion of the LOSSAN Corridor serves freight, commuter, and intercity rail services including Burlington Northern and Santa Fe Railway Company Railway freight trains, AMTRAK Pacific Surfliner intercity passenger trains, the NCTD Coaster trains, and the Southern California Regional Rail Authority Metrolink trains. On an average weekday, about 65 to 73 trains pass through Sorrento Valley and this number is expected to increase in the future as there is a greater focus on using rail transportation instead of trucks to move freight. The reduction in trucks on roads and highways would reduce traffic, roadway maintenance, energy consumption, and emissions. The extension of the station platforms would allow the Sorrento Valley train station to accommodate trains up to 10-cars in length (the exiting platform can only accommodate 5-car trains).

The proposed project's air quality benefits include reduced idling time by automobiles on highways and train locomotives in the LOSSAN corridor and would lead to reduced emissions of air pollutants. In addition, the anticipated operational efficiency improvements arising from construction of an additional segment of double track are expected to increase ridership on existing passenger trains in the corridor and to correspondingly reduce automobile trips and vehicle miles traveled in the corridor. These project benefits are also consistent with recent Commission actions (e.g., CC-079-06, BHP Billiton LNG International, Inc., Ventura and Los Angeles Counties) to protect coastal resources that would be directly affected by global climate change resulting from increases in greenhouse gas emissions. Potential adverse effects on coastal resources associated with global climate change include sea level rise, increased coastal flooding and erosion, inundation of developed areas and public access and recreation areas, alterations to existing sensitive habitat areas, ocean warming, changes in marine species diversity, distribution, and productivity, and increased ocean acidification.

Numerous Coastal Act policies provide a basis for Commission action to reduce greenhouse gases and to protect coastal resources at risk from the adverse effects of global warming, including the air quality and energy minimization policies (Section 30253). The Commission recently adopted findings in support of these goals when it concurred with consistency certification CC-075-09 by NCTD for a double tracking project in Carlsbad in northern San Diego County. The Commission has adopted similar findings in its concurrence with subsequent consistency certifications for LOSSAN double track projects (CC-004-05, CC-008-07, CC-052-10, CC-052-10, CC-009-12). The Commission finds that SANDAG's proposed SVDT project, and the resulting improvements to public transportation in the LOSSAN corridor, would help to reduce energy consumption, reduce greenhouse gas emissions, and improve air quality, and is therefore consistent with the energy minimization policy of Coastal Act Section 30253(d).

H. PUBLIC ACCESS

Coastal Act Section 30210 states:

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Coastal Act Section 30212.5 addresses the need for parking facilities:

> *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

Section 30252 encourages public transit and identifies reducing traffic congestion as a coastal access benefit, providing, in part, that:

> *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 . . .*

In reviewing past actions involving mass transit improvements in San Diego County, the Commission has considered traffic congestion to constitute a constraint on public recreation and access to the shoreline. Increased traffic on highways such as I-5, which is a major coastal access thoroughfare, reduces the ability of the public to attain access to coastal recreation areas and makes it more difficult for the public to get to the beach. Section 30252 of the Coastal Act recognizes the importance of improving public access through, among other things, improvements in public transit. Maintaining existing public transit is equally important and beneficial to public access. The parking area improvements would result in an increase in parking from 122 to 183 spaces (174 regular and 9 ADA compliant spaces), allowing a greater parking capacity for train riders. The additional parking would minimize overcrowding as a result of increased ridership, consistent with Coastal Act Section 30212.5. Finally, the construction phases have been designed to limit the effects on existing train operations.

The Commission agrees with SANDAG and finds that the proposed project would not adversely affect any existing public access opportunities and would improve public access by maintaining and expanding the rail line used by SANDAG and other rail services, which in turn helps to reduce automobile traffic on I-5 in an area where this freeway supports public access and recreation. The Commission therefore finds the project consistent with the public access and recreation policies (Sections 30210, 30212.5, and 30252) of the Coastal Act.

I. 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:

> *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.*

In order for the Commission to consider balancing Coastal Act policies, it must first establish that there is a conflict between these policies. The fact that a project is consistent with one policy of the Coastal Act and inconsistent with another policy does not necessarily result in a conflict. Rather, to identify a conflict, the Commission must find that to object to the project based on the policy inconsistency would result in coastal zone effects that are inconsistent with some other policy or policies of the Coastal Act.

As discussed previously in Section D (Wetlands) because the project would increase railway capacity, it does not qualify as an incidental public service under Section 30233(a)(4), Commission interpretations of which historically only allow transportation projects in wetlands and open coastal waters where they are necessary to maintain *existing* capacity. Therefore, because the project is not an allowable use, the only way the Commission could find the project consistent with the Coastal Act would be through the "conflict resolution" provision (Section 30007.5).

As discussed in Sections F and G above, traffic increases that would occur if this project were not to go forward would also degrade water and air quality. This would result in conditions that are inconsistent with the water and air quality policies of the Coastal Act, because they would adversely affect already impaired coastal water bodies and exacerbate non-attainment status of the coastal air basin. As described in the Section H (Public Access), one of the project purposes/benefits is reduced traffic congestion on area highways. NCTD has provided evidence in previous consistency certifications that double-tracking projects provide significant public access and recreation benefits, both through reducing traffic congestion and improving public access to the coast. SANDAG has reiterated that finding in its subject consistency certification. The Commission finds that traffic congestion interferes with access to the coastal recreational opportunities within northern San Diego County (including travelers from Los Angeles and Orange Counties). As traffic congestion increases with expected growth of the region, these access impacts would worsen, and when congestion increases, non-essential trips such as those for recreational purposes tend to be among the first to be curtailed. Thus, as the traffic increases, the ability for the public to get to the coast would become more difficult, which would result in a condition that would be inconsistent with the access policies of the Coastal Act.

Section 30231 of the Coastal Act requires the maintenance and restoration of coastal water quality. Section 30253(d) provides for improved air quality and reductions in energy consumption and vehicle miles traveled. Section 30252 articulates that one of the Coastal Act's access goals is encouraging maintenance and enhancement of public access through facilitating the provision or extension of transit service. Thus, not only would objecting to this consistency

certification be inconsistent with the access policies, but it would also result in adverse effects to coastal waters and the air basin, and be inconsistent with the achievement of water quality, air quality, energy conservation, reductions in vehicle miles traveled, and transit goals expressed in Sections 30231, 30253(d), and 30252. The Commission therefore finds that the proposed project creates a conflict between allowable use test of the wetland policy (Section 30233(a)) on the one hand, and the water quality/air quality/energy conservation/reductions in vehicle miles traveled/public access and transit policies (Sections 30231, 30253(d), 30252) on the other.

Conclusion

Having established 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 2.89 acres of impact to wetland habitat (2.10 acres of temporary impacts and 0.79 acres of permanent impacts). The affected habitat is adjacent to the existing rail line, the amount of fill has been minimized to the maximum extent practicable, and on-site enhancement and off-site restoration would mitigate for impacts to wetland habitat and result in a net increase in wetland habitat. As stated above, objecting to this consistency certification would result in conditions that would be inconsistent with the access policies (Section 30210), and would result in adverse effects to coastal waters and the coastal air basin, and would be inconsistent with the achievement of water quality, air quality, energy conservation, and reductions in vehicle miles traveled goals expressed in Sections 30231, 30253(d), and 30252. In resolving the Coastal Act conflict raised, the Commission finds that the impacts on coastal resources from not constructing the project would be more significant and adverse than the project's wetland impacts, which would, as designed by SANDAG, be adequately mitigated. The Commission therefore concludes that concurring with this consistency certification would, on balance, be most protective of coastal resources, and that the project is consistent with Coastal Act Section 30007.5.

APPENDIX A: SUBSTANTIVE FILE DOCUMENTS

1) CC-086-03 (NCTD, 2.6-mile-long Pulgas to San Onofre double tracking at the north end of Camp Pendleton)

2) CC-052-05 (NCTD, 2.9-mile-long Santa Margarita River double tracking project at the south end of Camp Pendleton)

3) CC-055-05 (NCTD, replacement of the railroad bridge over Agua Hedionda Lagoon)

4) CC-004-05 (NCTD, 2.7-mile-long O'Neill to Flores double track project in central Camp Pendleton)

5) CC-008-07 (NCTD, 1.2-mile-long extension of passing track and construction of one replacement and one new railroad bridge over Loma Alta Creek in Oceanside)

6) CC-059-09 (NCTD, replacement of three timber railroad bridges over LosPenasquitos Lagoon in San Diego

7) CC-075-09 (NCTD, construction of a 2.4-mile-long segment of second mainline railroad track and second railroad bridge over Agua Hedionda Lagoon in the City of Carlsbad)

8) CC-052-10 (SANDAG, construction of a 1.2-mile-long segment of the second mainline railroad track and a steel double-track bridge in Sorrento Valley in the City of San Diego)

9) CC-009-12 (SANDAG, construction of 4.3 miles of second main railroad track and replacement of timber trestle bride with soft-bottom concrete box culvert, south of San Onofre, Mile Post 212.2 to 216.5, within railroad right-of-way adjacent to Interstate 5, Camp Pendleton)

10) NCTD CDP's No.: 6-03-102-G (Agua Hedionda emergency repairs), 6-02-152 (San Luis Rey River bridge repair), 6-02-151 (Agua Hedionda bridge), 6-02-102 (Del Mar drainage outlets), 6-02-80 (Santa Margarita Bridge repair), 6-01-64 (Balboa Avenue), 6-01-108 (Tecolote Creek), 6-93-60 (Del Mar), 6-94-207 (Solana Beach), 6-93-106 (Carlsbad), and 6-93-105 (Camp Pendleton).

11) Conceptual Revegetation Plan for the Sorrento Valley Double Track Project, San Diego County, California (HDR Engineering, August 2012)

12) Biological Technical Report Addendum and Response to CCC Information Requests Memo (HDR Engineering, August 2012)

13) Sorrento Valley Double Track Draft Off-Site Wetland Mitigation and Monitoring Plan, Sna Diego County, California (HDR Engineering, August 2012)

14) California Coastal Commission Federal Coastal Consistency Certification Analysis (BRG Consulting, Inc., December 2011)

15) Sorrento Valley Double Track Revised Project Description (SANDAG, August 2012)

16) SVDT Draft Conservation Measures (SANDAG, August 2012)

Regional and Vicinity Map

FIGURE 1

SANDAG | Sorrento Valley Double Track | Conceptual Wetland Mitigation and Monitoring Plan

HDR ONE COMPANY | *Many Solutions*

Exhibit 1 (CC-056-11)

Phase I

- Construct Phase I of Bridge 248.7;
- Construct new parking lot south of Sorrento Valley Boulevard;
- Assess and relocate utilities as needed;
- Construct retaining walls on eastern side of track (for the segment between Bridge 247.7 and Bridge 248.5);
- Construct new Main Track 1 (MT1) 25 feet east of the existing track, outside the 9-foot clear zone to assure uninterrupted rail operations on the existing track (temporary 1:1 slope required by the grade difference between the existing track and proposed 5-foot raised MT1 to ensure that there is no encroachment into the existing rail ballast limit);
- Construct 2-54" pipe culvert to replace existing Bridge 248.5; and
- Construction new track ditch on eastern side and one cross culvert.

Phase IA (Interim)

- Construct No. 20 turnout south of Bridge 248.7 and demolish the existing turnout;
- Connect newly constructed MT1 to the existing track (Control Point (CP) Torrey will be temporarily moved to the CP where proposed MT1 switches back to the existing track via temporary No. 20 turnout);
- Transfer rail traffic from the existing track to the new MT1 and to the new Bridge 248.7 (the track shift, installation of the new and removal of the existing turnouts, and CP Torrey relocation, will require track-time full closure of rail traffic construction window);
- Demolish existing Bridges 248.7 and 248.5;
- Demolish existing track within the project limits; and
- Construct permanent No. 24 turnout at the northerly project limits of double track south of Bridge 247.7.

Upon completion of Phase IA, all rail traffic will operate on the new MT1 and will use the existing Sorrento Valley Station siding via turnout No. 20 turnout.

Phase II

- Construct Phase II substructure and superstructure for Bridges 248.7;
- Construct new MT2 15 feet west of MT1, this will require MT2 to be raised to the profile of MT1;
- Shift and connect new MT1 and MT2 to the existing track in accordance with permanent design configuration at the south limit of the project by Sorrento Valley Station and at the north limit of the project;
- Relocate CP Torrey to the permanent location at the northerly limit of the new double tracking just south of Bridge 247.7; and
- Remove temporary No. 20 turnout south of Bridge 248.7 and place permanent turnout between Bridges 248.5 and 248.7.

During the track shift, track and turnout connection, and CP Torrey relocation, rail operations will fully cease through this segment of track. Full track closure will be limited to night time and weekend windows. Passengers will be bussed from Solana Beach to San Diego, with schedules being communicated to the public well in advance. All work requiring any full closure will be prepared for in advance to reduce the closure time to a minimum.

The construction of Bridge 247.7 can be constructed in Phase 1 or Phase II since it will be constructed inline. No rail closures will be required.

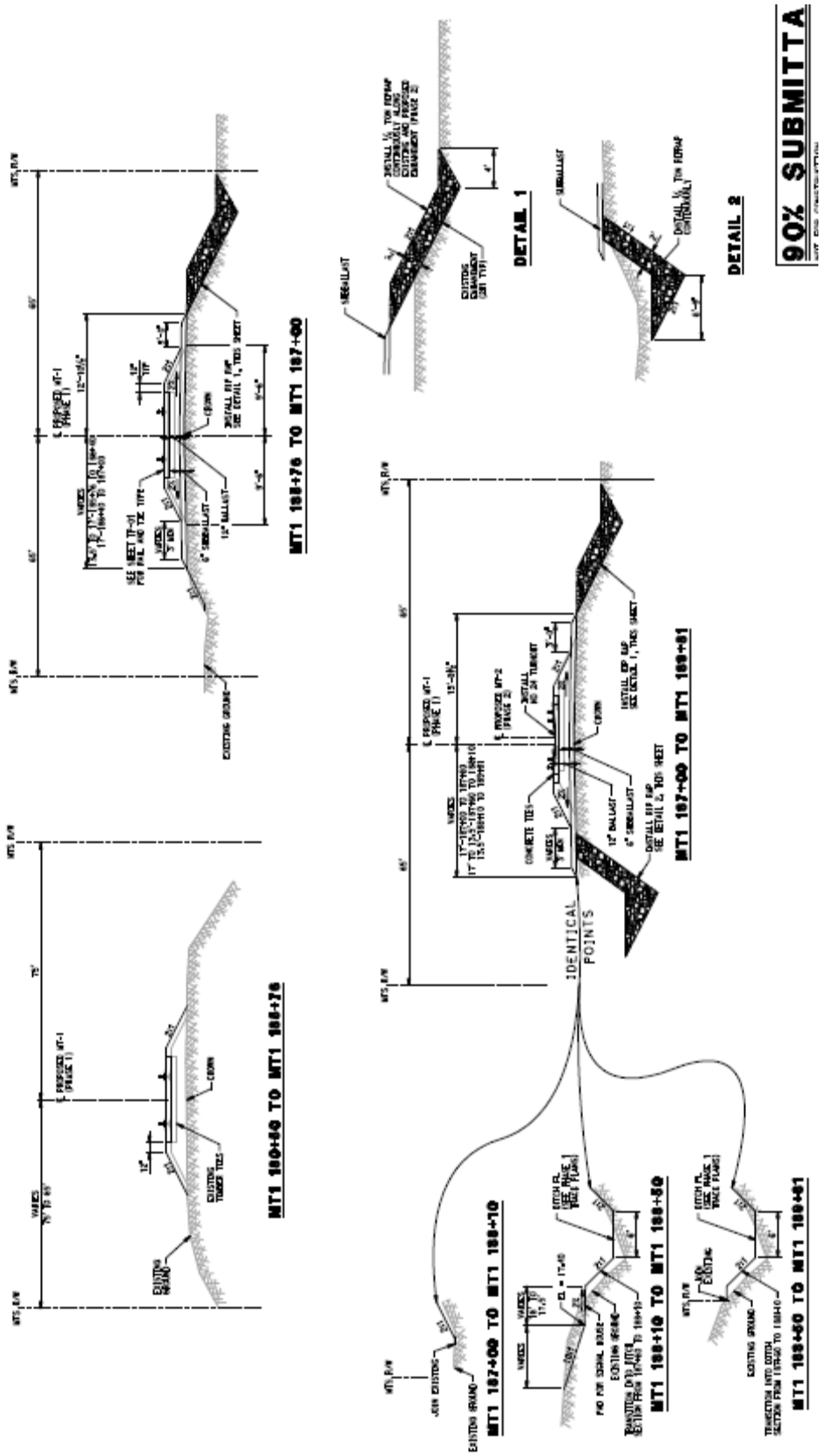

Exhibit 3-Page 1 of 3 (CC-056-11)

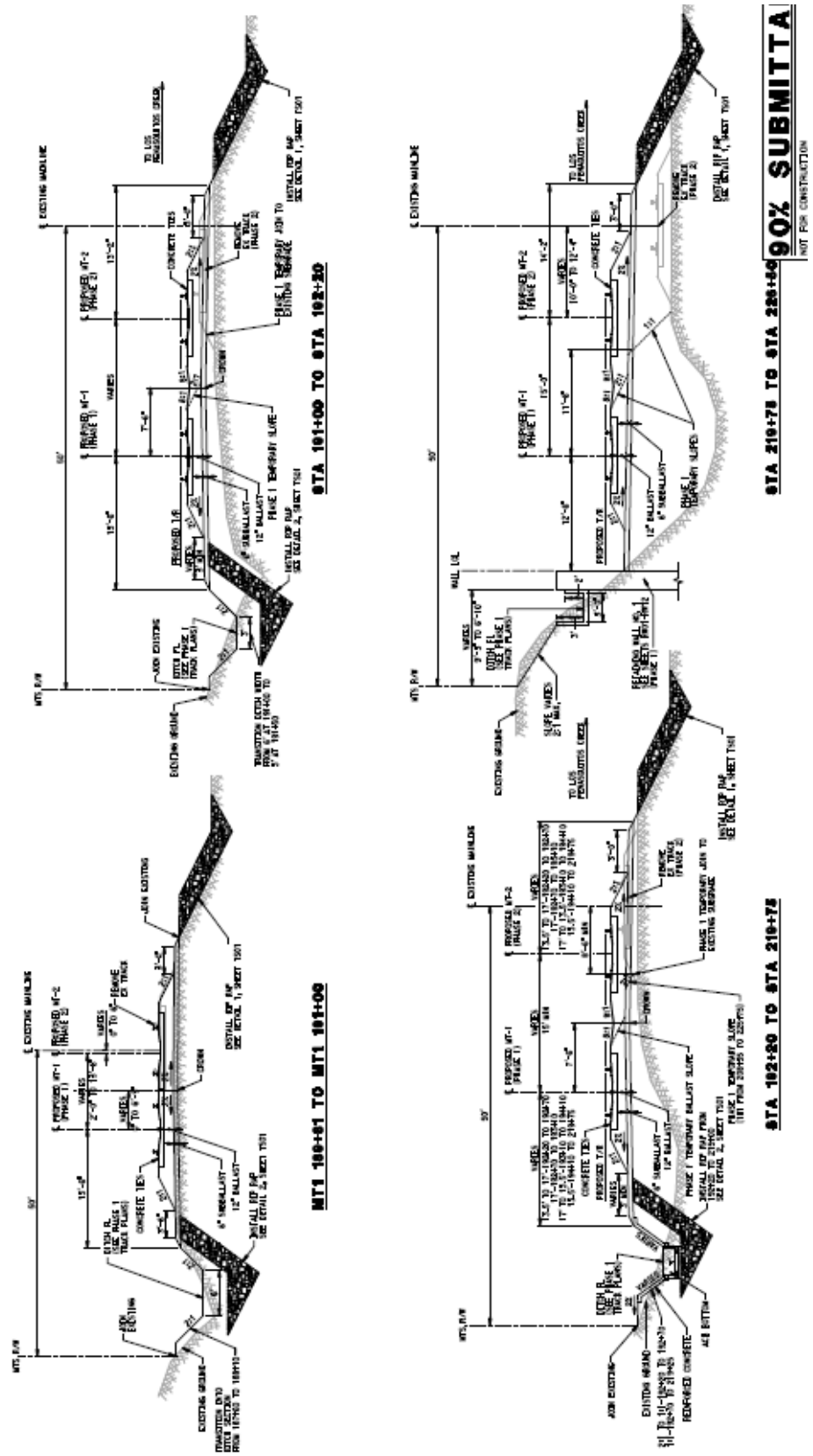

Exhibit 3- Page 2 of 3 (CC-056-11)

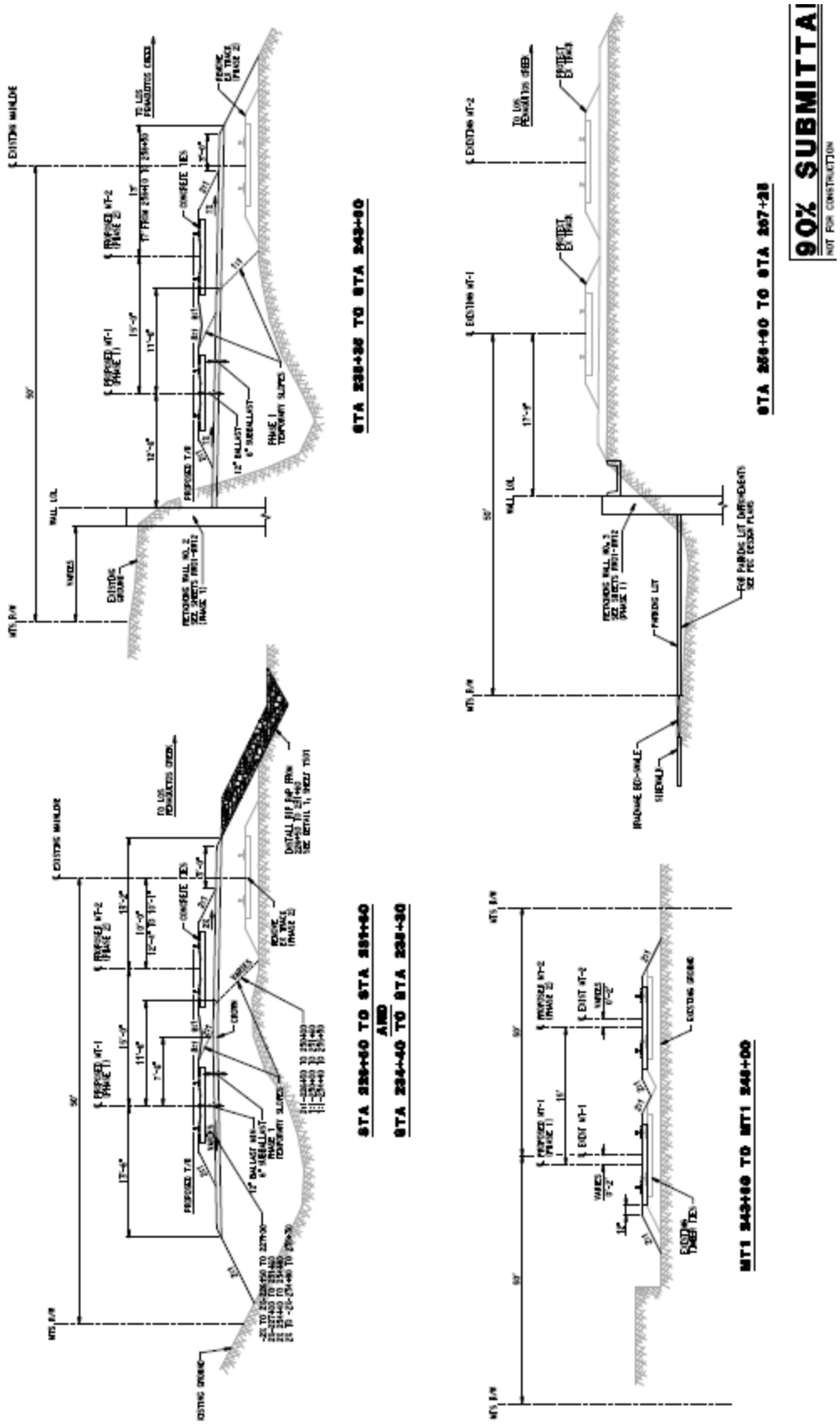

Exhibit 3-Page 3 of 3 (CC-056-11)

Table 4. Impacts to CCC Jurisdiction by Habitat Type (2012 APE)

Vegetation Community	Temp. Impacts (acres)	Perm. Impact (acres)	Total Impacts (acres)
Wetland Habitats			
Disturbed wetland	0.00	0.10	0.10
Coastal valley and freshwater marsh	0.02	<0.00	0.02
Subtotal	*0.02*	*0.10*	*0.12*
Riparian Habitats			
Arundo-dominated riparian	0.29	0.44	0.73
Mulefat scrub	<0.00*	0.00	<0.00*
Southern arroyo willow riparian forest	0.76	0.04	0.80
Southern willow scrub	0.80	0.06	0.86
Subtotal	*1.85*	*0.54*	*2.39*
Non-Vegetated Habitats			
Open water	0.18	0.15	0.33
Urban/developed*	0.01	0.00	0.01
Disturbed habitat*	0.04	0.00	0.04
Subtotal	*0.23*	*0.15*	*0.38*
Total	**2.10**	**0.79**	**2.89**

*

* UD and DH are associated with the existing asphalt-lined ditch located east of the track

Exhibit 4 (CC-056-11)

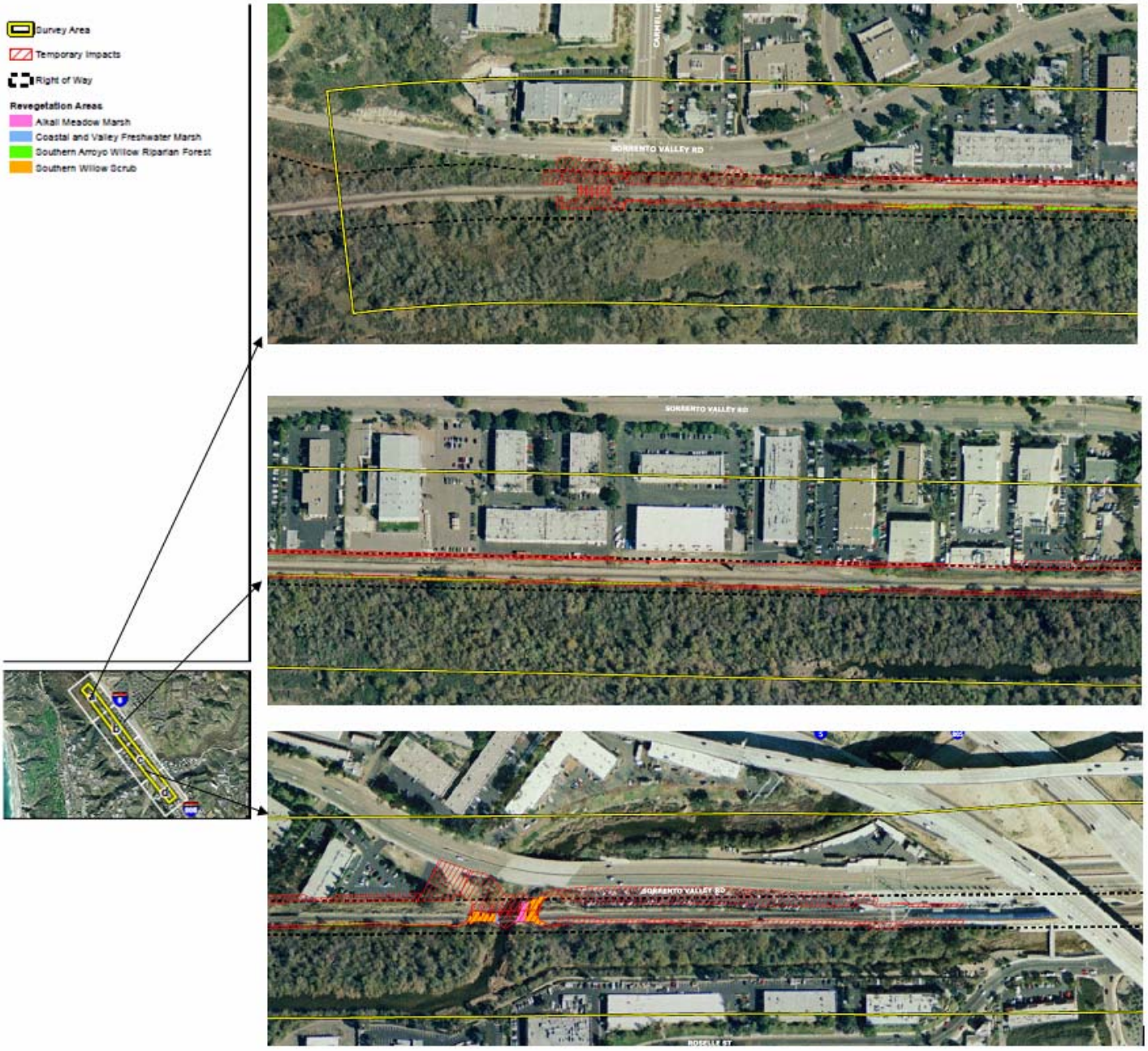

Exhibit 5 (CC-056-11)

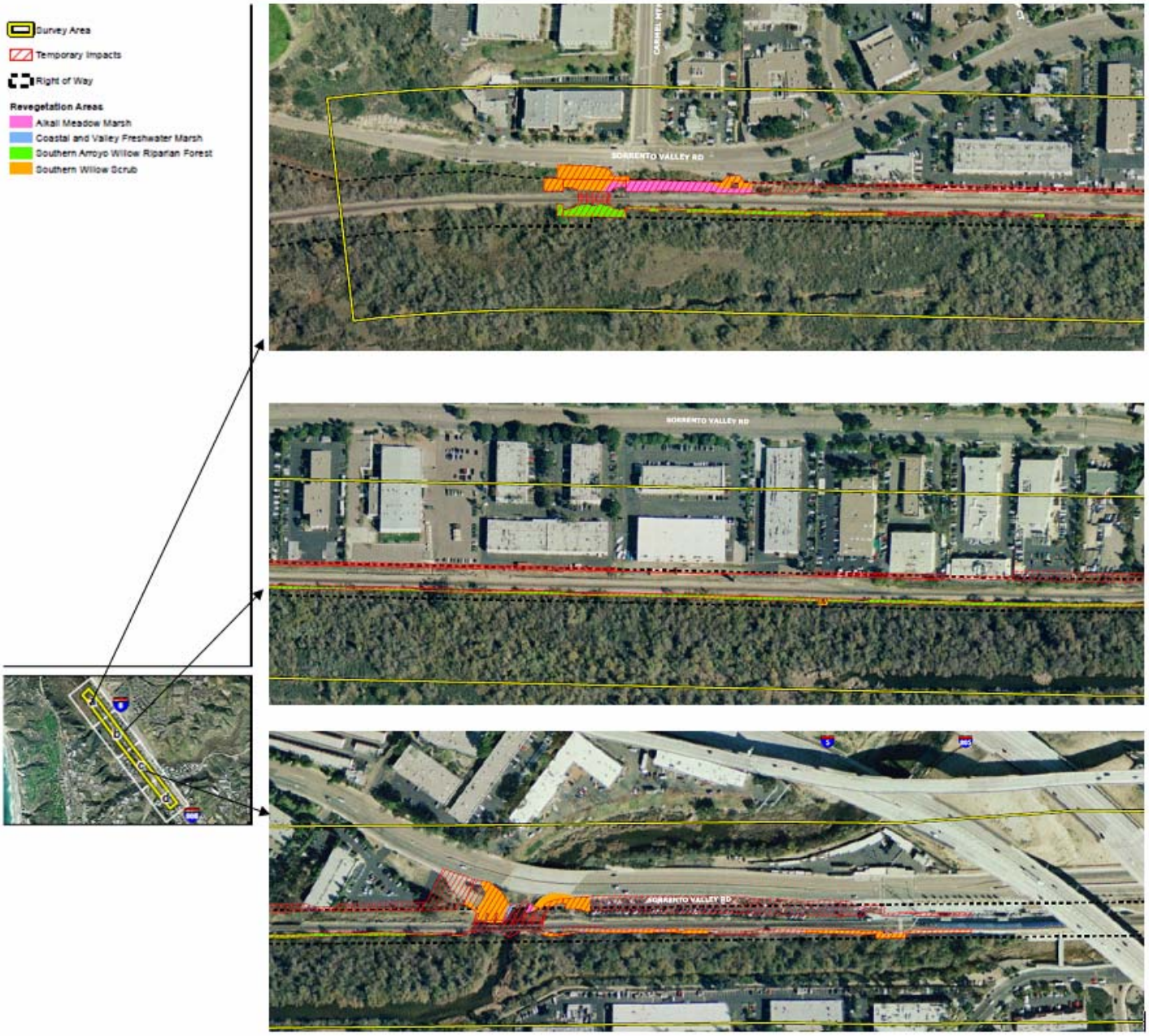

Exhibit 6 (CC-056-11)

Exhibit 7 (CC-056-11)