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STAFF REPORT: REGULAR CALENDAR

Consistency Certification No.: **CC-048-12**

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

Location: Los Angeles to San Diego (LOSSAN) Rail Corridor from CP San Onofre to CP Pulgas, Marine Corps Base Camp Pendleton, San Diego County

Project Description: Stage 2 of the Control Point (CP) San Onofre to CP Pulgas Double Track Project, including construction of 1.65 miles of second mainline railroad track

Staff Recommendation: Concurrence

SUMMARY OF STAFF RECOMMENDATION

The San Diego Association of Governments (SANDAG) has summited a consistency certification for Stage 2 of the Control Point (CP) San Onofre to CP Pulgas Double Track Project located along the San Diego-Los Angeles (LOSSAN) rail corridor in northern San Diego County, from Mile Post (MP) 216.65 to MP 218.3. The project would add approximately 1.65 miles of second mainline track to the existing railroad, reconstruct and shift 0.3 miles of the main track, remove the turnout at the southern end of the project area, construct 2 new railroad

bridges, and extend several culverts. The San Diego portion of the LOSSAN Corridor serves freight, commuter, and intercity rail services. The purpose of this project is to eliminate bottleneck conditions between the Los Angeles and San Diego metropolitan areas along the existing rail line by providing an additional track so trains can travel along the corridor in opposing directions. As a result of this project, trains would be able to move more quickly and efficiently through the corridor, helping to meet southern California's existing and future transportation needs.

The project site and surrounding area contain sensitive wetlands, "non-wetland waters of the US," and upland habitats that provide water quality functions and services, and potential foraging, nesting, and breeding habitat for common and rare species. Overall, the project would result in temporary (.862 acres) and permanent (2.697 acres) impacts to these sensitive habitat areas. 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, provides on- and off- site mitigation through habitat creation, restoration, and enhancement activities, and is consistent with the ESHA policies of the Coastal Act (Section 30240). However, a portion of the project impacts would involve fill of wetlands, triggering the three-part test of Section 30233(a) of the Coastal Act. 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. 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, 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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APPENDICES

EXHIBITS

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-048-12 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-048-12 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

SANDAG has submitted a consistency certification for Stage 2 of the Control Point (CP) San Onofre to CP Pulgas Double Track Project located along the San Diego-Los Angeles (LOSSAN) rail corridor in northern San Diego County, from Mile Post (MP) 216.65 to MP 218.3. The Commission concurred with Consistency Certification CC-009-12 for Stage 1 of the CP San Onofre to CP Pulgas Double Track Project in August 2012. CC-009-12 allows for the construction of 4.3 miles of second mainline railroad track, bridge replacement, and culvert extension in an area north of the proposed Stage 2 project from MP 212.2 to 216.5[1]. Stage 1 and Stage 2 project work is within the railroad right-of-way (ROW) that traverses the US Marine Corps Base Camp Pendleton between CP San Onofre to CP Pulgas, parallel and in most parts adjacent to the Interstate 5 corridor (see **Exhibit 1**). Stage 2 construction would not begin until 2014 or later after the work of Stage 1 is complete.

[1] SANDAG submitted a letter on December 21, 2012, requesting a formal permit modification to CC-009-12 to include the 575-foot stretch from MP 216.5 to MP 216.65 (which was originally planned for Stage 2) in Stage 1 of the project. As such, this consistency certification will only be for construction between MP 216.65 to MP 218.3. However, the exhibits will reflect the original plans from MP 216.5 to MP 218.3.

The proposed Stage 2 double track project would add approximately 1.65 miles of second mainline track to the existing railroad, reconstruct and shift 0.3 miles of the main track, remove the turnout at the southern end of the project area, construct 2 new railroad bridges, and extend several culverts (see page 1 of **Exhibit 2**). The purpose of this project, as well as other double track projects along the LOSSAN corridor, is to eliminate bottleneck conditions between the Los Angeles and San Diego metropolitan areas along the existing rail line by providing an additional track so trains can travel along the corridor in opposing directions. As a result of this project, passenger and freight trains would be able to move more quickly and efficiently through the corridor, helping to meet southern California's existing and future transportation needs.

Construction of the second mainline track for the proposed project would start about 0.65 miles south of the Old Pacific Highway overcrossing at MP 216.65 and end about 1,400 feet south of Las Flores Creek at MP 218.3 (see **Exhibit 1**). The proposed section of double track would connect to existing or Commission approved double track sections at the north and south ends of the project limits (the Commission concurred with Consistency Certification CC-009-12 for the section north of the proposed project in August 2012 and will be begin construction in September 2013, Consistency Certification CC-004-05 for the section south of the proposed project was concurred with by the Commission in November 2005 and was completed 2007). Approximately 8,245 feet of new track, ties, and ballast would be installed to construct the second track. The main track would be reconstructed and shifted from MP 218.0 at the Las Flores Creek crossing to MP 218.3 at the southern end of the project boundary. The second track and the main track would be constructed on ballast with an outer 2:1 slope with a graded track ditch for runoff (see page 2 of **Exhibit 2**).

Two new railroad bridges would be constructed at MP 217.3 and MP 218.0. A new steel girder bridge at MP 217.3 would be installed for the second track alongside of the existing bridge for the main track. A new 175-foot long three-span steel girder bridge would be installed for the second track at MP 218.0. Construction of the bridge at MP 218.0 for the main track and the second track would be supported by the Red Beach project which will be completed by the US Marine Corps prior to the initiation of this project (ND-023-11). Construction of the two bridges would involve pile construction and would require extending several existing culverts to accommodate the proposed second track. The culverts would be constructed using best management practices including the installation of energy dissipaters at outlets and channels entering unlined channels, concrete aprons at drainages, and soft-bottom culverts.

Vegetation would be cleared and grubbed to provide for the embankment widening to accommodate the creation of the second track, the modifications to the main track, and temporary access and staging areas. Of the 15,850 cubic yards of earth excavated from the project areas, 3,325 cubic yards would be reused on the site as the new embankment, and 12,525 cubic yards would be stockpiled for reuse on the reconstructed slopes to be revegetated. The project area contains sensitive wetland habitats, "non-wetland waters of the US", and upland habitats that are under Coastal Commission jurisdiction. Project activities would result in permanent and temporary impacts to these areas.

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); (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); and (10) 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 from the southern end of Los Penasquitos Lagoon to the Sorrento Valley train station, Sorrento Valley (CC-056-11).

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. SANDAG has submitted an application to the RWQCB, which 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:*
>
> > *. . . (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 activities would occur within previously developed areas in the railroad ROW and has been designed to avoid sensitive habitats in the surrounding area to the maximum extent possible. However, a portion of the project would result in temporary and permanent impacts to wetland habitats with sensitive vegetative communities including southern riparian scrub, mule fat scrub, and seasonal wetlands. These habitats are described further below:

- **Southern riparian scrub**: consists of a mixture of mule fat (*Baccharis salicifolia*) and smaller-sized arroyo willow (*Salix lasiolepis*).

- **Mule fat scrub:** continuous stands of mule fat scrub.

- **Seasonal wetland:** areas that are inundated briefly and favor fast-growing annual wetland species such as rabbit's foot grass (*Polypogon monspelinensis*), prickly lettuce (*Lactuca serriola*), Italian rye grass (*Lolium multiflorum*), and a few stems of bulrush.

The *CP San Onofre to CP Pulgas Double Track Project Stage 2: MP 216.5 to MP 218.3 Biological Assessment* and *Section 404 Nationwide Permit Application* document the existing wetland habitats within the project study area and the anticipated permanent and temporary impacts to these habitats from the project (See **Exhibit 3**).

Overall, the project would impact 0.721 acres of wetland habitat (0.38 acres of permanent impacts and 0.341 acres of temporary impacts). The permanent impacts would result from the placement of 313 cubic-yards of fill for expansion of the new railroad embankment. The temporary impacts would result from fill placed to create temporary access routes during construction, and wetland vegetation and sediment removal activities to inspect existing culverts.

Since a portion of the permanent and temporary impacts would involve fill of wetlands, the project triggers the three-part test of Coastal Act Section 30233(a). 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.

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, CC-052-10, and CC-056-11). 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 sensitive wetland resources in the surrounding area. SANDAG chose to site the location of the MT2 adjacent to the existing track which runs parallel, and for the most part adjacent, to Interstate 5. As this is a rural, undeveloped area, the location of MT2 further concentrates development within the already disturbed transportation corridor. The track alignment delineations were prepared in consultation with biologists and wetland ecologists to ensure the final design would minimize impacts to sensitive habitats in the surrounding area to the maximum extent possible. Out of the 7.74 acres of wetlands and "waters of the US" within the project study area, the final design avoided 90% of these areas. Lastly, the wetland habitat impacted is to the west of the track in close proximity to I-5, an already disturbed area where sensitive species such as least Bell's vireo are less likely to occur. Thus, the Commission agrees that no less environmentally damaging alternative for this project is feasible or available.

Mitigation
The wetlands within the project study area provide water quality functions and services to the local environment and surrounding area including groundwater recharge, pollutant capture, and sediment stabilization. In addition, these wetlands provide potential foraging, nesting, and breeding habitat for common and rare species. During construction, the project would include BMPs (silt fences, fiber rolls, gravel bag berms, monitoring, etc.) to mitigate for the short term impacts to these areas. SANDAG also plans to mitigate for temporary and permanent impacts to wetlands through on- and off- site revegetation, restoration, and enhancement activities. The goal of the on-site and off-site mitigation activities is to replace any functions and services provided by the wetland habitats impacted by the project. Permanent impacts to wetland habitats would be mitigated for at an off-site location through creation/restoration and preservation/enhancement activities at a ratio of 3:1. Temporary impacts to wetlands would be mitigated through on-site restoration as well as off-site creation/restoration and preservation/enhancement activities at a ratio of 2:1 (See **Exhibit 7** for details).

The on-site restoration activities, which would provide part of the 2:1 mitigation for temporary impacts to wetlands, would involve restoring the temporarily impacted areas to their original soil and groundwater conditions and planting the areas with native wetland species. Any fill installed for the temporary access roads would be removed and the areas would be decompacted if necessary. The areas would then be revegetated with non-irrigated native riparian scrub hydroseed mixes and native tree cuttings of fremont cottonwood (*Populus fremontii*), black willow (*Salix gooddingii*), and arroyo willow (*S. lasiolepis*). The goal of the combined hydroseed mixes and tree cutting plantings is to establish native plant species and self-sustaining erosion control without supplemental irrigation. All seed materials and tree cuttings would be

harvested from local sources. The hydroseed areas would be visually monitored on a biweekly basis for 5 years to assure establishment. The success criteria for hydroseed areas is a minimum of 20 plants visible per three-foot by three-foot area, and the success criteria for planted tree cuttings is 100%. If success criteria are not met, the hydroseed would be reapplied and the cuttings would be replaced.

The off-site mitigation component would take place at the 61.1-acre Foss Lake Site in Oceanside, approximately 5.9 miles from the coast, south of the project study area. The site is northwest of Douglas Drive between the Oceanside Municipal Golf Course and the Pilgrim Creek Mitigation Bank and surrounded by other open space to the south and north (**Exhibit 5**). The Foss Lake Site is part of a large wetland complex, contains sensitive species such as least Bell's vireo, and provides opportunities for creation, restoration, and enhancement. The site contains disturbed alkali marsh, southern willow scrub, mulefat scrub, freshwater marsh, seasonal open water, Isocoma scrub, nonnative grassland, and disturbed and ruderal areas. SANDAG would provide the off-site mitigation needed for impacts to wetland and "non-wetland waters of the US" (discussed below in Section E) at the Foss Lake Site through the creation/restoration of approximately 0.40 acres of wetland in a nonnative grassland area that was historically alkali marsh, and the preservation/enhancement of 1.12 acres of existing alkali marsh habitat along Pilgrim Creek. The goal of these mitigation activities is to create and restore these areas to native-dominated highly functional wetland habitat that will provide water quality and habitat functions. The mitigation activities would enhance these functions by increasing structural and species diversity, dominance of native verses nonnative plants, plant density, extent of vegetation, and potential wildlife at the sites. The mitigation activities would also benefit the overall watershed by beginning to eliminate the potential exotic species threat to other wetlands onsite and within and downstream of the site.

The reference sites used for the preservation/enhancement and creation/restoration areas would be the undisturbed portions on the south side of the Foss Lake Site or the Foss Lake Conservation Area across Douglass Drive. Off-site mitigation would begin no later than 9 months from the start of the proposed double track project. SANDAG would be responsible for the installation, maintenance, and monitoring of the proposed wetland mitigation. The creation/restoration areas would receive some grading to reduce the depth to groundwater and establish a landform that better retains water and would be planted with cuttings, seed mixes, and limited container plants. All container plants and seed materials would be locally propagated and collected, and the source material from cuttings of willows and mule fat would be from mature shrubs and trees found on-site. The enhancement areas would be improved through removal of exotic vegetation. It is expected that natural recruitment would occur in both areas once the restoration and enhancement activities have been implemented.

After the implementation phase is completed, the mitigation sites would be maintained and monitored for five years. Maintenance of the site would include weed control, care of container plants, oversight and repair of the irrigation system, erosion control, and trash removal. While artificial irrigation is not anticipated, it would be added if necessary in the creation/restoration areas. Monitoring would occur four times a year and would include qualitative and quantitative assessments. Performance standards have been set for each year and for the end of the 5-year period. The performance standards for year 5 for the creation/restoration areas is 80% cover of

native species and exotic cover of less than 5%, and performance standards for the preservation/enhancement areas would be an exotic cover of less than 5%. If year 5 performance standards are met earlier than the 5-year period and the site has ceased artificial irrigation for a minimum of 2 years, the site may be considered for early approval. SANDAG would submit reports to the Commission annually for five years. After the mitigation plan has been completed and approved, the site would be placed in a permanent conservation easement and SANDAG would be responsible for establishing a mechanism for the long-term maintenance of the site. If success criteria are not met at the end of 5 years, SANDAG would propose remedial action for approval by the Commission.

With the above on- and off-site mitigation activities, the Commission finds that the project includes sufficient measures to mitigate the project's wetland impacts through the creation of new wetland habitat, restoration of temporarily impacted wetland habitat, and enhancement of degraded wetland habitat on site and in the surrounding area.

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. COASTAL STREAMS AND 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.*

As mentioned, most of the proposed project activities would occur within previously developed areas in the railroad ROW. However, a portion of the proposed activities would impact drainages, classified as "non-wetland waters of the US" (0.038 total acres impacted which includes 0.017 acres of permanent impacts and 0.021 acres of temporary impacts) which provide

water quality functions and services and potential habitat for rare and common species. This habitat type is described further below:

- **Drainage:** areas defined by the presence of scoured linear channels that visibly support the conveyance of runoff water from higher to lower elevations. Substrate varies from fine sands, medium sized gravel, and large angular riprap.

The drainages in the project area convey water during and after storm events and therefore qualify as coastal streams under Coastal Act Section 30231. Drainages in the project area would be impacted by the construction of new concrete headwalls, extensions of soft bottom aprons and culverts, ditch maintenance to clear blocked debris and sediment, and temporary vehicle traffic during construction. Permanent impacts to areas classified as "non-wetland waters of the US" would be mitigated for by off-site habitat creation, and temporary impacts would be mitigated for by off-site restoration and enhancement activities, both at a ratio of 1:1. Off-site mitigation at Foss Lake is discussed in further detail in Section D above.

Mitigation measures have also been incorporated into the project construction activities to minimize any potential impacts to water quality as a result of the impacts to drainages. The work conducted at drainage crossings would be completed during the dry summer season to minimize the flow encountered during project activities. The Las Flores Creek drainage is the only area expected to have water flow during the summer and therefore, measures would be taken to divert the water through the work area using a pipe. The water would be channeled into the pipe by a gravel bag berm and fill would be placed across the pipe after installation so that the area could be used as a crossing. The diversion pipe and fill crossing would occur at the existing concrete culvert to minimize impacts to the creek (See **Exhibit 4**). After the work is completed, the creek bed would be restored to its original conditions prior to the next rainy season.

During construction, SANDAG would implement BMPs for erosion control and a storm water pollution and prevention plan to protect water quality. In addition, a portion of the project elements would serve to improve the on-site and surrounding water quality by controlling and treating water flows before they reach the existing natural drainage system. These elements include the installation of energy dissipaters at outlets and channels entering the unlined channels, installation of concrete aprons at the drainages, and use of soft bottom culverts. To project against erosion, the new embankment would be created using native topsoils revegetated with non-irrigated hydroseed mixes and some of the existing slopes would be reduces through grading. Lastly, project design features will divert track runoff to existing vegetation swales.

Following the completion of double track projects through Camp Pendleton train traffic volumes would double by 2020 and train speeds would increase by 20 miles per hour. 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 or adjacent to the project area, would mitigate for any impacts to drainages, 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.

F. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Coastal Act Section 30240 states in part 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…..*

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 sensitive wetland areas, "non-wetland waters of the US," and upland areas, 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, Pacific pocket mouse, and tidewater goby. Impacts to wetland habitat and "non-wetland waters of the US" are discussed in detail in the previous sections of this report. In addition to these impacts, the project would impact 2.8 acres of sensitive upland habitat (2.3 acres of permanent impacts and 0.5 acres of temporary impacts). The sensitive upland habitats are described further below:

- **Coastal sage scrub:** low, soft-leaved shrubland with an understory of non-native/native grasses and forbs. The dominant plant species is California sagebrush (*Artemisia californica*), with associated plant species of coyote brush (*Baccharispilularis*), toyon (*Heteromeles arbutifolia*), isocoma (*Isocoma menziesii*), and laurel sumac (*Malosmalaurina*). Areas with a higher level of disturbance are dominated by coyote brush.

- **Non-native grassland:** mixture of introduced weed species that occupy open lands between shrub and tree communities and found as an understory within the coastal sage scrub communities. Dominant species comprising non-native grassland within the project study area include rip-gut brome (*Bromus diandrus*), foxtail chess (*Bromus madritensis*), soft chess (*Bromus hordeaceous*), slender oat (*Avena barbata*), wild oat (*Avena fatua*), Mediterranean grass (*Schismus barbatus*), foxtail (*Hordeum murinum* var. *leporinum*), and Italian ryegrass.

The design of the project avoided substantial areas of suitable habitat east of the project corridor by focusing the majority of the construction of the second track west of the main track. While the more sensitive contiguous habitat east of the project was avoided through the project design, areas with the potential to be occupied by sensitive avian species could be affected. Protocol surveys conducted by SANDAG in 2010 indicated one breeding pair of gnatcatchers next to the project study area and three additional pairs 300 feet north of the project study area. These areas were both outside the project impact footprint in the more suitable habitat to the east of the project corridor. Individual Least bell's vireo were also detected east of the project corridor during the 2010 biological surveys as well, however, southwest willow flycatchers were not observed. California gnatcatcher potential habitat would be impacted by the permanent and temporary impacts to coastal sage scrub. Least Bell's vireo and southwest willow flycatcher potential habitat would be impacted by the permanent and temporary impacts to riparian habitat.

As mentioned, the project construction impact footprint does not include habitat occupied by California gnatcatcher, least Bell's vireo, or southwest willow flycatcher due to the project habitat's location between the railroad track and existing highways (Interstate 5 and Old Pacific Highway) and its isolation from larger swaths of habitat on Camp Pendleton east of the transportation corridor. With this specific finding, and in combination with previous Commission determinations on double track projects in the San Diego County coastal zone (CC-052-10 and CC-086-03), the Commission determines the coastal sage scrub and riparian habitat that would be affected by the proposed project is not occupied by a listed species and is therefore not an environmentally sensitive habitat area (ESHA) as defined in the Coastal Act. As a result, the project will not affect ESHA.

While the coastal sage scrub and riparian habitat is not Coastal Act ESHA, to minimize the potential for impacts to these species, areas would be surveyed by a biologist immediately prior to vegetation clearing and the biologist would flush birds out of area into appropriate habitat if they are present. Project activities would avoid breeding season for these species to the extent practicable. If the activities must occur during breeding season, an occupancy survey would be conducted and noise attenuation structures would be placed between construction activities and any occupied habitat to reduce noise levels to acceptable levels.

The tidewater goby has been observed in Las Flores Creek and lagoon and project activities would occur in areas designated as critical habitat for the tidewater goby. Impacts to the Las Flores Creek drainage as discussed in Section E could potentially impact this species. However, there would be no significant level of change to the current flow or sediment transport levels in Las Flores Creek as a result of the project. SANDAG would implement additional conservation

measures including the installation of blocking seines upstream and downstream of the work area before construction to minimize any potential impacts to tidewater goby.

The potential also exists for the Pacific pocket mouse to occur in the project area, in some of the areas of non-native grassland. As such, pre-construction surveys would be conducted within potential habitat areas. If Pacific pocket mice are found, any staging areas proposed within Pacific pocket mouse habitat would be avoided.

The project would also impact areas classified as ruderal habitat (1.6 acres of permanent impacts and 4.6 acres of temporary impacts). These habitats are dominated by non-native broadleaf plants, varying in height and assemblage based on soil type, rainfall, and frequency of disturbance. Impacts to ruderal habitat could potentially impact migratory bird nesting activities, such as raptors. To minimize these impacts SANDAG would avoid removal of shrubs and trees during the bird breeding season to the extent practicable. If the activities take place during the breeding season, a biologist would conduct preconstruction surveys of shrubs and trees. If nesting birds are found, tree removal would not occur until young have fledged or the nests have failed.

To further mitigate for any losses of potential habitat for sensitive species, SANDAG would conduct on- and off-site mitigation. On- and off-site mitigation for wetlands and "non-wetland waters of the US" have been discussed in previous sections of this report. Permanent and temporary impacts to upland habitats would be mitigated for at a ratio of 2:1 for coastal sage scrub habitat and 0.5:1 for non-native grassland. Mitigation for coastal sage scrub would take place on-site and off-site at the Caltrans-owned Stacco/Timeout Property. Mitigation and monitoring plans for these off-site mitigation areas were provided for in Consistency Certification CC-009-12. SANDAG submitted *Stacco/Timeout Property Conceptual Mitigation Plan* in July 2012 with the CC-009-12 consistency certification. This plan proposed to restore 54.85 acres of coastal sage scrub habitat to meet the needs of current and future railroad projects such as this one. The Commission concurred with this plan in August 2012. Impacts to ruderal areas would not be mitigated for as they consist of non-native species.

The Commission agrees with SANDAG that with the above measures incorporated into the project, combined with the wetland and water quality protection measures, 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.

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.*

This 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, and Metrolink trains. On an average weekday, about 65 to 73 trains pass through the project area 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 addition of a second track in this area would allow for an increase in the number of trains passing through this area and the speed by which they travel by 2020. A final project report prepared in 2009 for the California Department of Transportation, San Diego I-5/805 Corridor System Management Plan projected that completion of double track projects such as the proposed project and other rail improvements along the LOSSAN corridor would increase rail service to 93 trains each weekday by 2025, which is 20 to 28 more trains than what was operating in 2008. Once all double track projects are completed across Camp Pendleton, average train speed would increase through the project limits by about 20 miles per hour (90 miles per hour in urban areas and 124 miles per hour across rural areas like the project limits). As a result of this project, passenger and freight trains would be able to move more quickly and efficiently through the corridor, helping to meet southern California's existing and future transportation needs. Subsequently, the reduction in trucks on roads and highways would reduce traffic, roadway maintenance, energy consumption, and emissions. In addition, the project would also reduce idling time for the railroad.

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 past 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 previously 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, and CC-056-11). The Commission finds that SANDAG's proposed 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.*

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 project site is located within an existing railroad ROW that passes through the Marine Corps Base Camp Pendleton. This rail corridor has been in operation for more than 110 years and no public access has been allowed through the project area for

safety concerns. In addition access to the coast in this area is strictly controlled due to the military operations occurring at Camp Pendleton.

As previously mentioned, the addition of a second track in this area would allow for the increase in trains passing through this area and the speed by which they travel by 2020. This project would help to eliminate bottleneck conditions between the Los Angeles and San Diego metropolitan areas along the existing rail line by providing an additional track so trains can travel along the corridor in opposing directions. As a result of this project, passenger and freight trains would be able to move more quickly and efficiently through the corridor, helping to meet southern California's existing and future transportation needs.

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 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 E 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 track 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 0.721 acres of wetland habitat (0.38 acres of permanent impacts and 0.341 acres of temporary 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- and off-site restoration, creation, and enhancement activities 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) CC-056-12 (SANDAG, 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)

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) Biological Assessment for the CP San Onofre to CP Pulgas Double Track Project Stage 2: MP 216.5 to MP 218.3 (HNTB Corporation and HELIX Environmental Planning, Inc., September 2012)

12) Section 404 Nationwide Permit Application for the CP San Onofre to CP Pulgas Double Track Project Stage 2: MP 216.5 to MP 218.3 (HNTB Corporation and HELIX Environmental Planning, Inc., September 2012)

13) Request for Federal Coastal Consistency for the CP San Onofre to CP Pulgas Double Track Project Stage 2: MP 216.5 to MP 218.3 (HNTB Corporation and HELIX Environmental Planning, Inc., September 2012)

14) Modification of Northern Terminus of CP San Onofre to CP Pulgas Double Track Project-Stage 2 (HELIX Environmental Planning, Inc., December 2012)

Figure 1: Location and Aerial View of Project Limits

Figure 2: Proposed Improvements

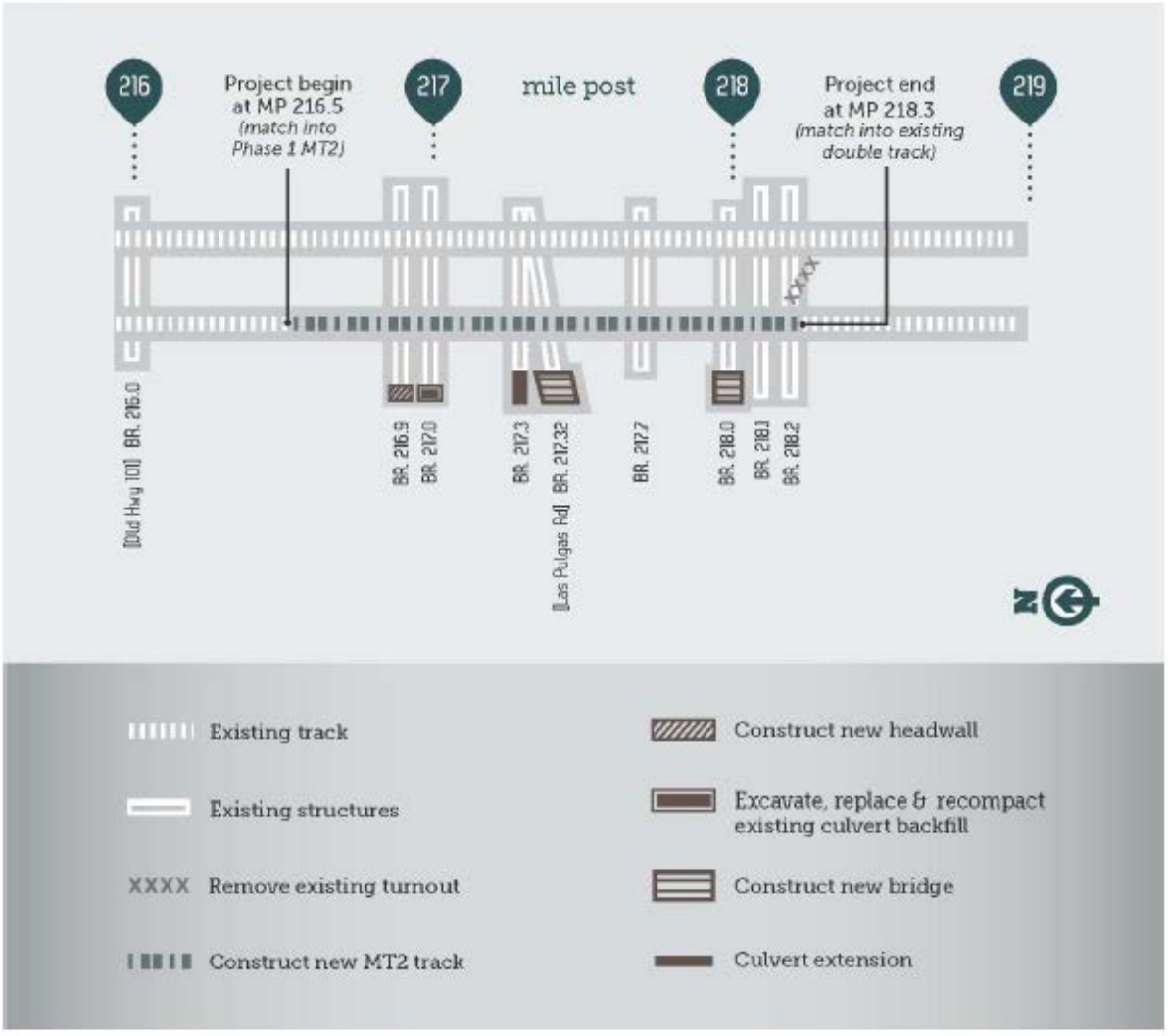
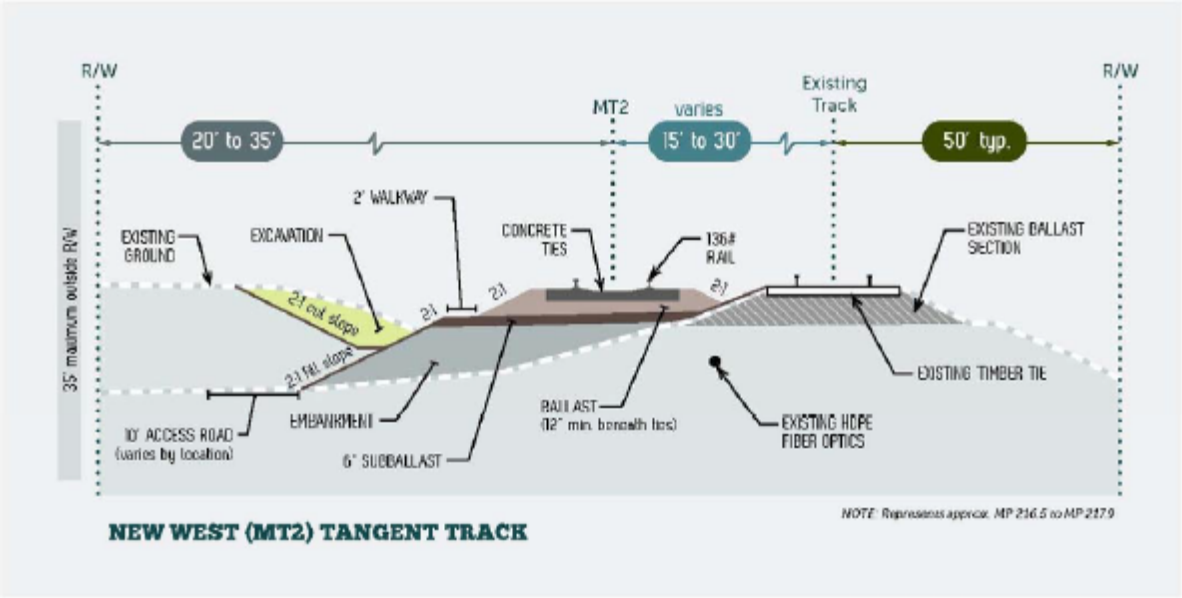
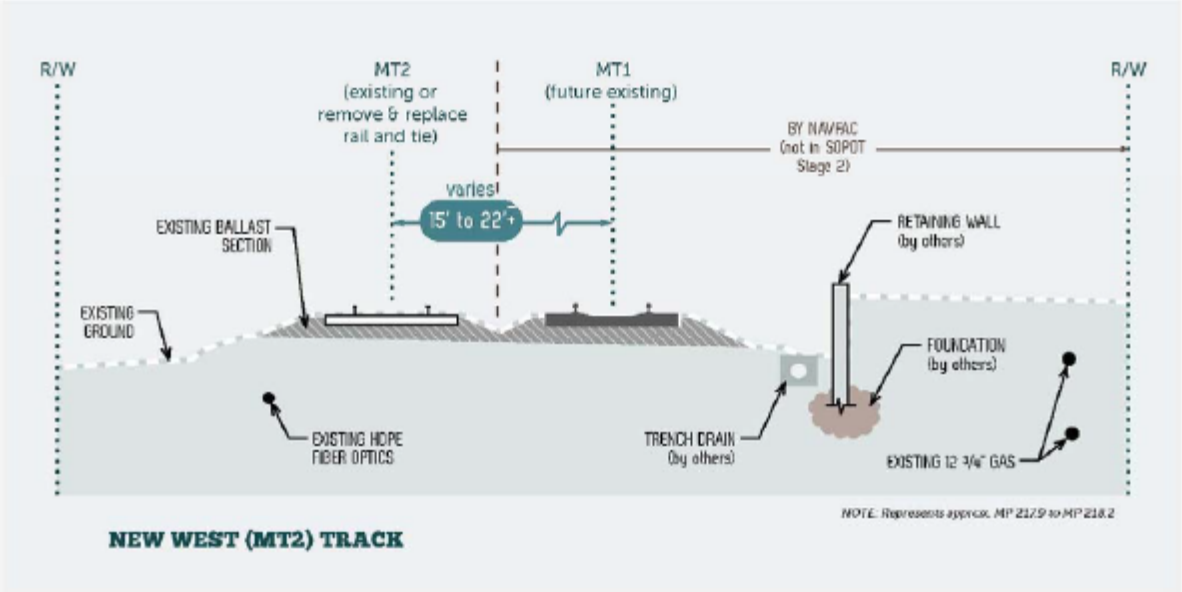
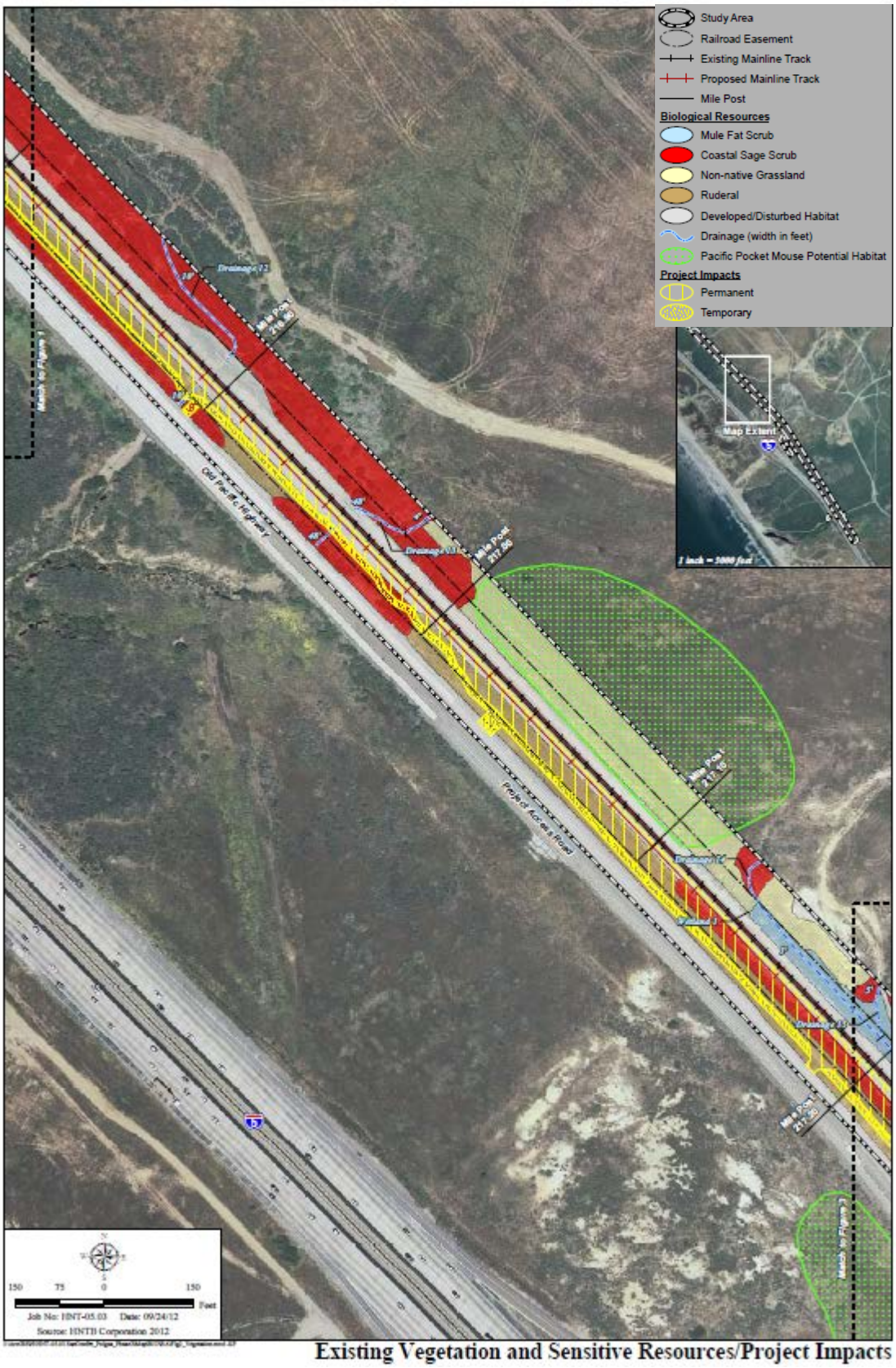


Figure 3: Track Typical Cross Sections





Existing Vegetation and Sensitive Resources/Project Impacts



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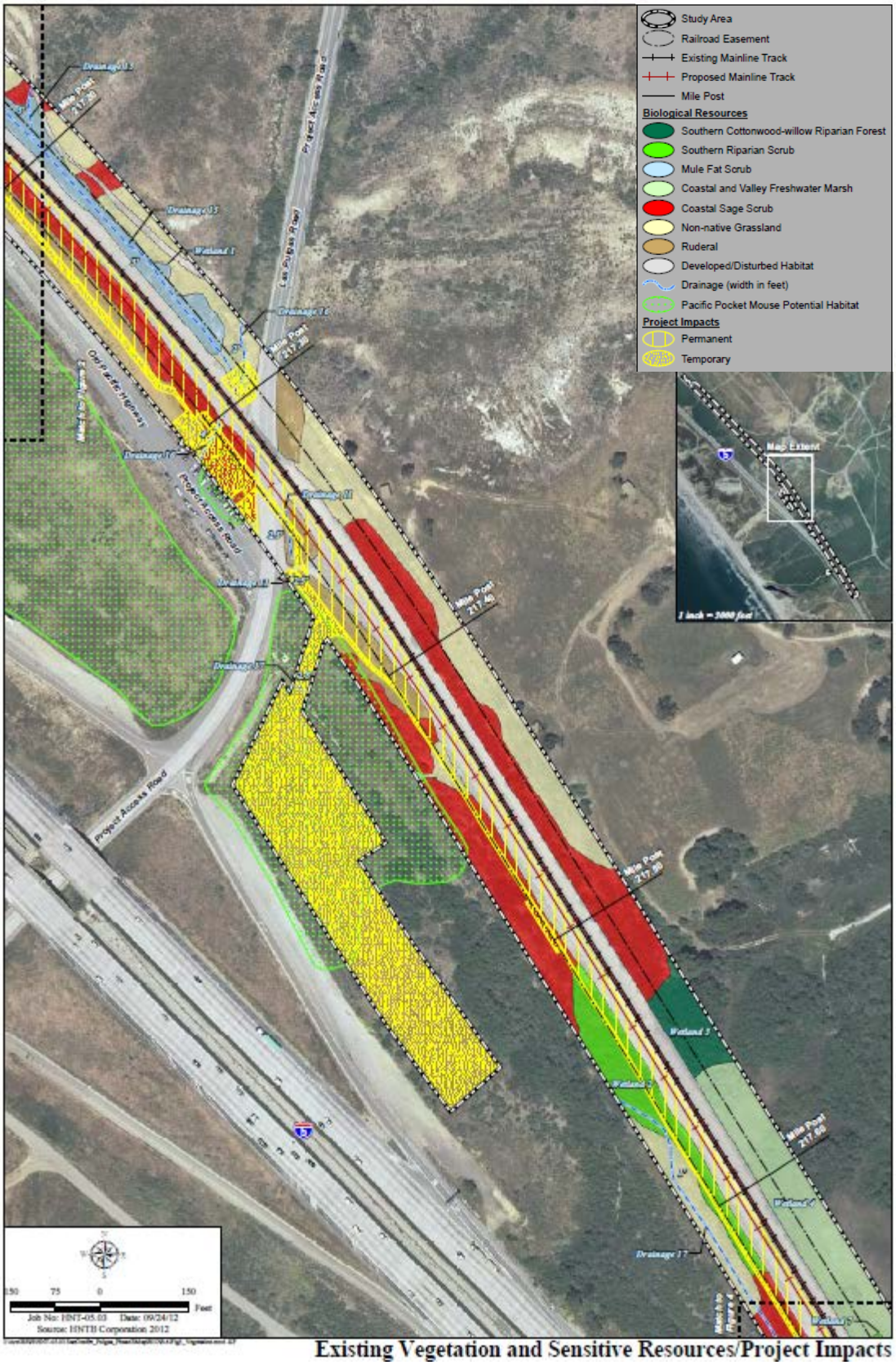

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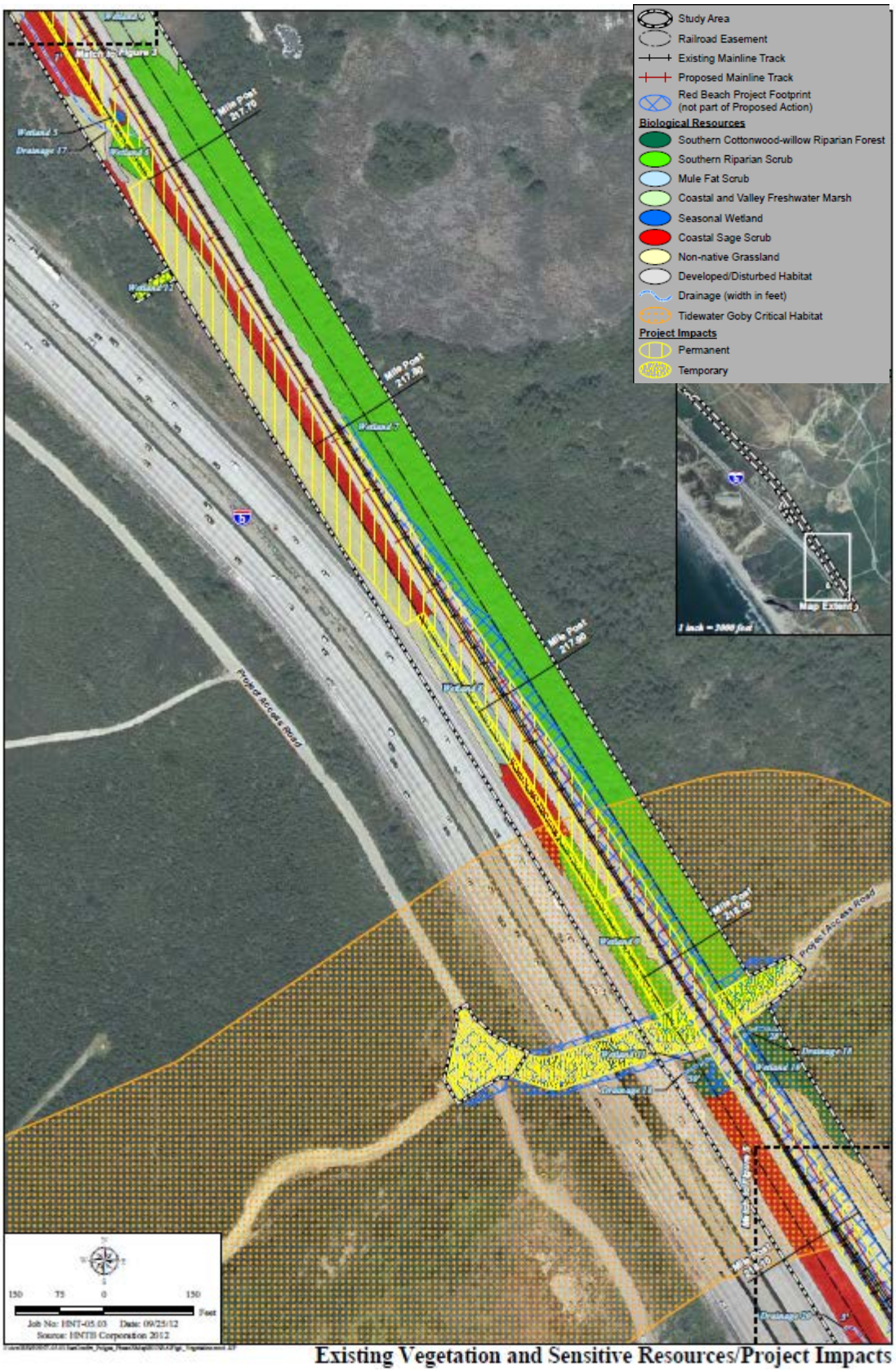
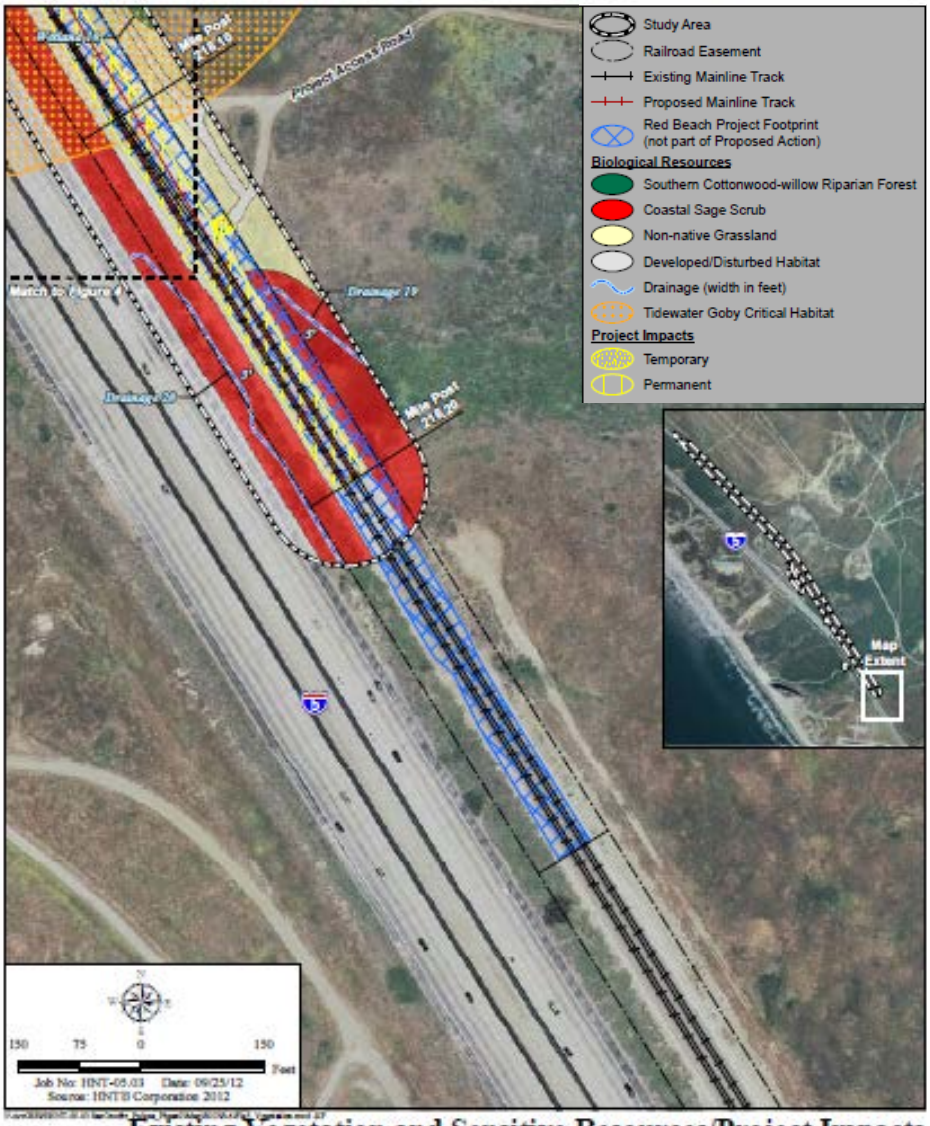
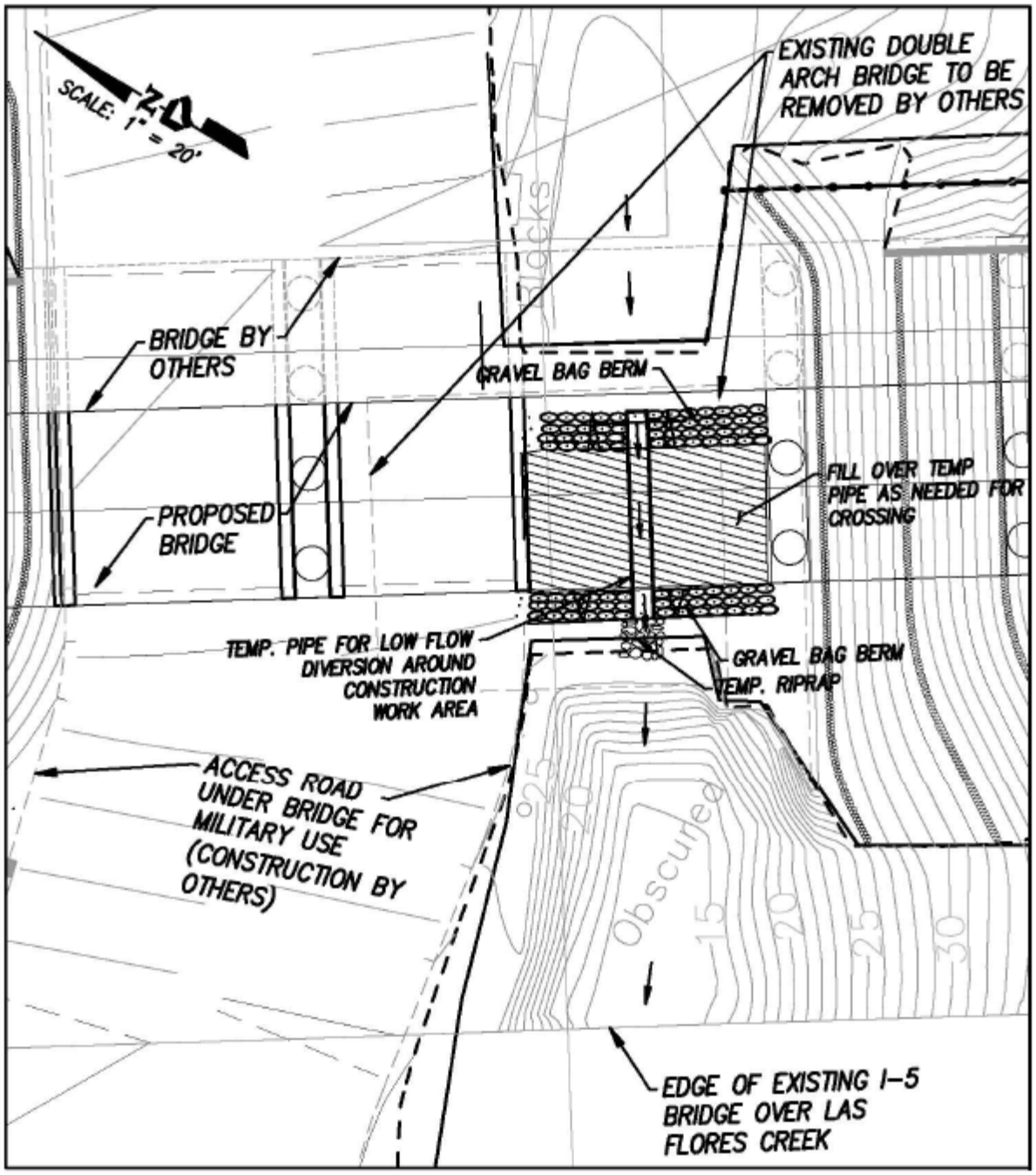


Existing Vegetation and Sensitive Resources/Project Impacts



Existing Vegetation and Sensitive Resources/Project Impacts

Figure 1: Las Flores Creek (Br 218.05) Temporary Bridge Crossing



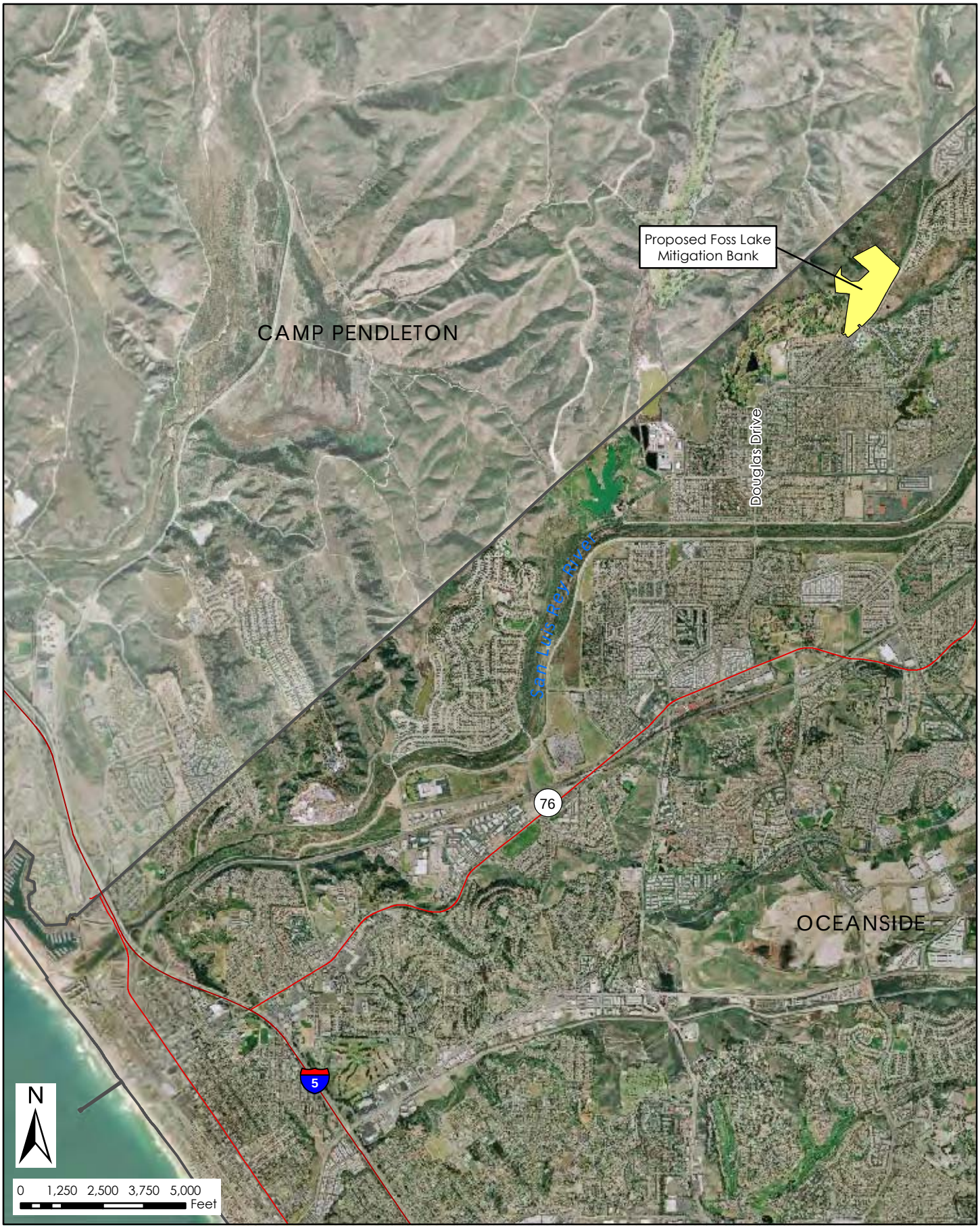


Figure 2

Exhibit 5
CC-048-12
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Project Vicinity

Foss Lake

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Figure 3

Parcel Map

Foss Lake