

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



# W16a

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Staff: K. Brown-SD  
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## STAFF REPORT: AMENDMENT

**Application No.:** 6-15-2092-A1

**Applicant:** Caltrans

**Agent:** Kim Smith

**Location:** Interstate-5 freeway and San Elijo Lagoon, Encinitas, San Diego County

**Original Project Description:** Replacement of existing I-5 bridge over San Elijo Lagoon with a longer and wider bridge designed to increase hydrologic connectivity in the lagoon and accommodate new HOV lanes. The project also includes suspension of a pedestrian bridge underneath the new I-5 bridge and expansion of the lagoon channel bottom width to 261 feet.

**Proposed Amendment:** Allow pile driving within the San Elijo Lagoon during the bird breeding season (February 15-September 15) with the implementation of mitigation and monitoring measures to avoid impacts to sensitive bird species

**Staff Recommendation:** Approval as submitted

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## SUMMARY OF STAFF RECOMMENDATION

The original Coastal Development Permit (CDP) No. 6-15-2092 was approved by the Commission on March 9, 2016 as well as Notice of Impending Development (NOID) No. NCC-NOID-0005-15 as part of a combined staff report and hearing. Together, the CDP

and NOID authorized construction of the first North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program (NCC PWP/TREP) improvements, otherwise known as Phase 1/Stage 1 of the Interstate-5 (I-5) North Coast Corridor Project which includes the following: addition of one High Occupancy Vehicle (HOV) lane in each direction, replacement of the San Elijo Lagoon I-5 Bridge with a longer and wider bridge to increase hydrologic connectivity in the lagoon and to accommodate new HOV lanes, construction of the North Coast Bike Trail from Lomas Santa Fe Drive to the entrance of the San Elijo Ecological Reserve and Regional Park, enhancement of the existing pedestrian trail on the east side of the freeway at the lagoon, construction of a Multi-Use Facility in the northeast quadrant of I-5 and Manchester Avenue that will be used as a Park-and-Ride as well as a staging area for lagoon visitors, and a new trail and sidewalk connection that extends from the Multi-Use Facility to the existing Lagoon Visitor Center located in the central basin of San Elijo Lagoon.

CDP No. 6-15-2092 authorized components of the Phase 1/Stage 1 project within the Commission's retained permitting jurisdiction – areas located within and over San Elijo Lagoon. Those components include replacement of the existing I-5 bridge with a new bridge and associated improvements. Specifically, the existing 340 ft. long bridge with a 155 ft. wide channel bottom extending over the San Elijo Lagoon will be replaced with a longer and wider bridge designed to: optimize the lagoon channel width and depth, provide more favorable conditions for tidal expression and flood conveyance, re-establish 'waters of the U.S.', and accommodate the addition of HOV lanes. The new bridge will be a 560 ft. long, three span structure with a raised profile. The bridge will vary in width (303 ft. to 388 ft.) due to the widening required for the on- and off-ramps at Manchester Avenue and to accommodate construction of the replacement bridge. A pedestrian bridge will also be suspended underneath the new I-5 bridge. Pursuant to lagoon optimization analysis, as determined in the NCC PWP/TREP, the channel bottom width will be extended to 261 feet. A 12-ft. wide bench will be provided on the southern abutment to facilitate wildlife movement underneath the bridge.

District 11 of the California Department of Transportation (Caltrans) proposes to amend CDP No. 6-15-2092 to allow pile driving activities to occur during bird breeding season (February 15-September 15) as long as the specific mitigation and monitoring measures included in Implementation Measure 5.5.8 of the NCC PWP/TREP, as proposed to be amended by PWP-6-NCC-16-0006-2, are implemented. The project, as originally approved, did not include any pile driving near San Elijo Lagoon during the bird breeding season to minimize construction noise impacts to bird species around the lagoon. However, since the original approval of the NCC PWP/TREP and the CDP, the contractor has refined the construction approach and plans such that pile driving for I-5 bridge construction would be necessary in order to accommodate a shorter construction schedule that would reduce the total duration of bridge construction within San Elijo Lagoon by up to 14 months. All of the standard and special conditions previously approved as part of CDP No. 6-15-2092 would remain in full force and effect on the amended permit.

Although the proposed amendment would decrease the overall time period that noise impacts to sensitive species within San Elijo Lagoon would occur, noise from pile driving

activities under this new approach could adversely impact nesting birds. In order to avoid and minimize impacts to sensitive species (e.g., Coastal California gnatcatcher, Ridgway's rail, California least tern, western snowy plover, Belding's savannah sparrow), Caltrans also proposes to implement mitigation measures and monitoring to reduce construction noise and maintain noise levels below certain standards. These standards were developed in coordination with staff from Caltrans, the United States Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and the Commission, including the Commission's staff ecologist Dr. Laurie Koteen. In addition, all of the resource agencies within the Resource and Enhancement Mitigation Program (REMP) working group have reviewed the proposed mitigation and monitoring measures and did not raise any concerns. Proposed mitigation and monitoring measures include: pre-construction bird surveys, biological monitoring to evaluate bird responses, specialized construction techniques to minimize noise and vibrational impacts, and noise and distance limitations. Thus, with the inclusion of these mitigation and monitoring measures, pile driving within the lagoon during bird breeding season is not anticipated to result in any additional adverse impacts to sensitive bird species or environmentally sensitive habitat areas that have not already been analyzed and authorized by the NCC PWP/TREP.

The proposed CDP amendment is associated with a NCC PWP/TREP amendment (PWP-6-NCC-16-0006-2) submitted jointly by Caltrans and the San Diego Association of Governments (SANDAG) – which is also scheduled for Commission review at the December 7, 2016 meeting. The NCC PWP/TREP amendment includes proposed changes to the NCC PWP/TREP to be heard and acted upon prior to consideration of the subject CDP amendment. While the standard of review for this CDP amendment is Chapter 3 of the Coastal Act, the NCC PWP/TREP is to be used as guidance, and without these proposed changes to the NCC PWP/TREP, the specific CDP amendment as submitted could not be found consistent with the NCC PWP/TREP.

In conclusion, Commission staff recommends **approval** of Coastal Development Permit amendment 6-15-2092-A1, as submitted.

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## **I. PROCEDURAL ISSUES**

### **PUBLIC PARTICIPATION**

On October 11, 2016, Caltrans held a public hearing to solicit feedback and answer questions from the public on the associated NCC PWP/TREP amendment to allow pile driving during the bird breeding season in the lagoons within the NCC. This local hearing was duly noticed to the public and all known interested parties. The subject amendment and the associated NCC PWP/TREP were formally submitted to the Commission on October 5, 2016, and Coastal staff has continued to accept public comment throughout this review process.

### **LOCAL GOVERNMENT CONSULTATION**

Staff from Caltrans, SANDAG, and the Commission have had ongoing coordination meetings with the corridor cities since the approval of the NCC PWP/TREP in August 2014 to discuss the preliminary NCC PWP/TREP projects. Most recently, on October 5, 2016, Caltrans and Commission staff provided staff from the affected corridor cities, including the cities of San Diego, Encinitas, Carlsbad, and Oceanside (as well as the City of Solana Beach, which, again, does not have a fully certified Local Coastal Program), with information on the associated NCC PWP/TREP amendment to allow pile driving during the bird breeding season in the lagoons within the NCC. None of the corridor cities had any questions or concerns.

### **STAKEHOLDER CONSULTATION**

The Resource Enhancement and Mitigation Program (REMP) within the NCC PWP/TREP was developed through a collaborative process with representatives from various resource agencies including the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife, the Regional Water Quality Control Board, NOAA National Marine Fisheries Service, the U.S. Environmental Protection Agency, and the California Coastal Conservancy. The development of the REMP was initiated by members of this group as early as 2010 in order to identify regionally significant restoration and enhancement opportunities within the NCC. Through the NCC PWP/TREP, this group has been formalized as the REMP Working Group and meets quarterly to track and guide progress through the planned implementation phases of the PWP. The associated NCC PWP/TREP amendment to allow pile driving during the bird breeding season in the lagoons within the NCC was presented to the REMP Working Group at recent REMP working group meetings convened in summer 2016 and no concerns were raised.

## **II. MOTION AND RESOLUTION**

### **Motion:**

*I move that the Commission **approve** Coastal Development Permit Amendment No. 6-15-2092-A1 pursuant to the staff recommendation.*

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

**Resolution:**

*The Commission hereby approves coastal development permit amendment 6-15-2092-A1 as submitted and adopts the findings set forth below on grounds that the development as amended will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

**III. STANDARD CONDITIONS**

NOTE: All Standard Conditions of Coastal Development Permit No. 6-15-2092 remain in full force and effect on the amended permit.

**IV. SPECIAL CONDITIONS**

NOTE: All Special Conditions of Coastal Development Permit No. 6-15-2092 (Exhibit 4) remain in full force and effect on the amended permit.

**V. FINDINGS AND DECLARATIONS**

**A. PROJECT HISTORY/AMENDMENT DESCRIPTION**

The original CDP No. 6-15-2092 was approved by the Commission on March 9, 2016 as well as NOID No. NCC-NOID-0005-15 as part of a combined staff report and hearing. Together, the CDP and NOID authorized construction of the first NCC PWP/TREP improvements, otherwise known as Phase 1/Stage 1 of the I-5 North Coast Corridor Project which includes the following: addition of one HOV lane in each direction, replacement of the San Elijo Lagoon I-5 Bridge with a longer and wider bridge to increase hydrologic connectivity in the lagoon and wider to accommodate the new HOV lanes, construction of the North Coast Bike Trail from Lomas Santa Fe Drive to the entrance of the San Elijo Ecological Reserve and Regional Park, enhancement of the existing pedestrian trail on the east side of the freeway at the lagoon, construction of a

Multi-Use Facility in the northeast quadrant of I-5 and Manchester Avenue that will be used as a Park-and-Ride as well as a staging area for lagoon visitors, and a new trail and sidewalk connection that extends from the Multi-Use Facility to the existing Lagoon Visitor Center located in the central basin of San Elijo Lagoon.

CDP No. 6-15-2092 authorized components of the project within the Commission's retained jurisdiction – areas located within and over San Elijo Lagoon. Those components include replacement of the existing I-5 bridge with a new bridge and associated improvements. Specifically, the existing 340 ft. long bridge, with a 155 ft. wide channel bottom, extending over the San Elijo Lagoon will be replaced with a longer and wider bridge designed to: optimize the lagoon channel width and depth, provide more favorable conditions for tidal expression and flood conveyance, re-establish 'waters of the U.S.', and accommodate the addition of HOV lanes. The new bridge will be a 560 ft. long, three span structure with a raised profile. The bridge will vary in width (303 ft. to 388 ft.) due to the widening required for the on- and off-ramps at Manchester Avenue and to accommodate construction of the replacement bridge. A pedestrian bridge will also be suspended underneath the new I-5 bridge. Pursuant to lagoon optimization analysis, as determined in the NCC PWP/TREP, the channel bottom width will be extended to 261 feet. A 12-ft. wide bench will be provided on the southern abutment to facilitate wildlife movement underneath the bridge.

Caltrans proposes to amend CDP No. 6-15-2092 to allow pile driving activities associated with the I-5 bridge replacement to occur during bird breeding season (February 15-September 15) as long as the specific mitigation and monitoring measures included in IM 5.5.8 of the NCC PWP/TREP, as proposed to be amended by PWP-6-NCC-16-0006-2, are implemented. The project, as originally approved, did not include any pile driving near San Elijo Lagoon during the bird breeding season to minimize construction noise impacts to bird species around the lagoon. However, since the original approval of the NCC PWP/TREP and the underlying CDP, the contractor has refined the construction approach and plans such that pile driving for I-5 bridge construction would be necessary in order to accommodate a shorter construction schedule that would reduce the total duration of bridge construction within San Elijo Lagoon. Specifically, allowing flexibility to conduct some pile driving activities during bird breeding season would reduce the construction window by up to 14 months. In addition, all of the standard and special conditions previously approved as part of CDP No. 6-15-2092 would remain in full force and effect on the amended permit.

As described above, the proposed CDP amendment is associated with a NCC PWP/TREP amendment (PWP-6-NCC-16-0006-2) submitted jointly by Caltrans and the San Diego Association of Governments (SANDAG) – which is also scheduled for Commission review at the December 7, 2016 meeting. The NCC PWP/TREP amendment includes proposed changes to the NCC PWP/TREP to be heard and acted upon prior to consideration of the subject CDP amendment. While the standard of review for this CDP amendment is the Coastal Act, the NCC PWP/TREP is to be used as guidance, and without these proposed changes to the NCC PWP/TREP, the specific CDP amendment as submitted could not be found consistent with the NCC PWP/TREP.

## **B. BIOLOGICAL RESOURCES**

Section 30240 of the Coastal Act states:

- (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.*

Section 30107.5 of the Coastal Act states:

*“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 approved CDP involves work in San Elijo Lagoon which contains habitat areas that are Environmentally Sensitive Habitat Areas (ESHAs) or are potential ESHAs, despite not being considered a resource-dependent use under the limited uses permitted in ESHAs pursuant to Coastal Act Section 30240. However, the Commission has already assessed and approved work of the type that is at issue here, and in these environments, in their review and approval of the original CDP. The allowable use limitations in Section 30240 of the Coastal Act have therefore already been resolved in favor of allowing this work. The only change, and thus the only issue before the Commission at this point, is whether changing the timing introduces new impacts that conflict with any of the other standards articulated above. Specifically, the question is whether having these activities occur during the bird breeding season, with the associated mitigation measures in place, would significantly disrupt the habitat values (30240(a)), significantly degrade the ESHAs (30240(b)), or be incompatible with the continuance of those ESHAs (30240(b)).

In order to shorten the overall duration of construction within San Elijo Lagoon, Caltrans proposes to amend the underlying permit to allow pile driving during the bird breeding season (February 15-September 15). Although the proposed amendment would decrease the overall time period that noise impacts to sensitive species within San Elijo Lagoon would occur, noise from pile driving activities during bird breeding season could adversely impact nesting birds.

However, Caltrans also proposes to implement mitigation and monitoring measures included in Implementation Measure (IM) 5.5.8 of the NCC PWP/TREP, as proposed to be amended (Exhibit 3), to reduce construction noise and maintain noise levels below certain standards. These standards were developed in coordination with staff from Caltrans, the United States Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW) and the Commission, including the Commission’s staff

ecologist Dr. Laurie Koteen. In addition, all of the resource agencies within the Restoration and Environmental Mitigation Program (REMP) Working Group have reviewed the proposed mitigation and monitoring measures.

Proposed mitigation and monitoring measures include: pre-construction bird surveys, biological monitoring to evaluate bird responses, specialized construction techniques to minimize noise and vibrational impacts, and noise and distance limitations. Pre-construction bird surveys will be completed to document the location of occupied areas. A biologist knowledgeable in the specific nesting bird species will be present to evaluate noise levels when pile driving begins and throughout pile driving activities to ensure that listed avian species are not being disturbed. The biologist will have the authority to halt work if birds are startling off nests in response to the impact of a pile driving hammer and will consult with USFWS prior to continuing with any pile driving activities.

IM 5.5.8 also includes requirements that pile driving near lagoons (including at San Elijo Lagoon) would be conducted primarily with a vibratory hammer to reduce construction noise and concussive pressure waves. During the bird breeding season, an impact hammer may be used to proof piles only if it is infeasible to use a vibratory hammer, and monitoring demonstrates that noise levels in areas occupied by individual nesting of coastal California gnatcatchers, Ridgeway's rail, or other listed avian species will remain under 80 dBA<sup>1</sup> 1-hour Leq. Noise attenuation measures (e.g., use of hydraulic hammer and/or a shroud of blankets around the driving hammer) will be implemented to reduce pile driving noise. Additionally, no pile driving would be allowed within 600 feet of documented nesting colonies of California least tern and/or western snowy plover during the nesting season, and if pile driving or general construction takes place within 2,000 feet of a documented nesting colony of California least tern and/or western snowy plover, noise levels are required to remain below 72 dBA 1-hour Leq and below a maximum of 78 dBA. In addition, IM 5.5.8 includes provisions to minimize acoustical impacts to aquatic and avian species during in-water construction activities, including bubble curtains and cofferdams. It further provides that a hydraulic driver will be used, if feasible, to reduce noise levels during bridge construction activities and requires an acoustic specialist to monitor pile driving noise levels.

Caltrans anticipates that pile driving activities in San Elijo Lagoon would last for between 8 and 12 hours a day during normal construction time periods. Pile driving equipment can reach noise measurements of up to 120 dBA; however, with the mitigation and monitoring measures in Implementation Measure 5.5.8 (as proposed to be amended by PWP-6-NCC-16-0006-2), a biological monitor would be authorized to halt construction at any time during the bird breeding season to avoid any impacts. Species that occupy habitat at the edge of the lagoons, or outside the immediate areas where pile driving would occur, would be less affected by ambient noise level increases as a result of pile driving. However, for sensitive bird species that nest, breed, and forage near the water and specifically in locations where pile driving would occur, the effects of construction noise have the potential to result in modified foraging or breeding behavior. The greatest impact from noise would occur closest to equipment and would dissipate by

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<sup>1</sup> dB(A) – a weighted decibel average

6 dBA with the doubling of distance. For example, one piece of equipment that generates a maximum noise level of 80 dBA at 50 feet would attenuate to 68 dBA 200 feet from the source.

Birds use sound, in the form of a variety of vocalizations (e.g., mating calls, contact notes) throughout their daily activities and during their annual breeding season and, therefore, have the potential to be adversely affected by construction noise that is above the ambient noise threshold they are adapted to. Special status or sensitive bird species that reside within or adjacent to San Elijo Lagoon include the Coastal California gnatcatcher, Ridgway's rail, and Belding's savannah sparrow. However, all nearby California gnatcatcher habitat that may be subject to higher noise levels from pile driving would be cleared prior to the breeding season (consistent with the habitat impacts authorized in the original CDP/NOID), so no pile driving impacts are anticipated. Ridgway's rail are located within 400 feet of the I-5 bridge, and there are both Ridgway's rail and California least tern nesting locations near the rail bridge.

There is no single State agency-established standard or threshold for determining significant noise effects on sensitive bird species; however 60 dBA is a widely used threshold for projects involving heavy equipment in areas supporting least Bell's vireo. This threshold criterion is used by some resource agencies as the noise threshold, above which, some birds may be adversely impacted. While this decibel range appears to be widely accepted for projects that involve potential noise impacts on riparian birds, its use has not been well justified scientifically<sup>2</sup>. Noise levels in most quiet outdoor rural areas range from 40-45 dBA and from 50-55 dBA in quiet suburban areas<sup>3</sup>. The 60 dBA criterion stems from taking average ambient environmental noise measurements and determining at what noise level, beyond that measured in the natural environment, would one expect to see adverse impacts on avian vocal communication<sup>4</sup>. While this criterion is valuable as a starting point due to its conservative and protective intent, ambient environment noise levels must also be analyzed and incorporated into the decibel thresholds applied to projects on a case by case basis. The lagoon systems within the NCC are located within a built-out urban environment with relatively high ambient noise dBA levels, and as such, these existing baseline ambient noise conditions were taken into account by staff from Caltrans, USFWS, CDFW, and CCC when determining the appropriate noise thresholds that were incorporated into IM 5.5.8 of the NCC PWP/TREP, as proposed to be amended.

Although population numbers of sensitive bird species in San Elijo Lagoon have undergone natural fluctuations over the years, species have continued to consistently forage, nest, and breed within suitable habitat in areas subjected to a wide range of noise levels, including noise in excess of 70 dBA. Existing ambient noise levels at San Elijo

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<sup>2</sup> Staff report for CDP No. 4-07-116, Caltrans and City of Goleta (James, R.A. 2006. California innovation with highway noise and bird issues. In: Proceedings of the 2005 International Conference on Ecology and Transportation, Eds. Irwin CL, Garrett P, McDermott KP. Center for Transportation and the Environment, North Carolina State University, Raleigh, NC: p. 569)

<sup>3</sup> Staff report for CDP 4-07-116 (Ouis, D. 2001. Annoyance from road traffic noise: a review. Journal of Environmental Psychology. Vol. 21, pgs. 101-120).

<sup>4</sup> Staff report for CDP 4-07-116 (Op. Cit. Dooling & Popper 2007)

Lagoon are considered moderate for a natural setting and are directly related to the numerous transportation corridors that traverse the lagoon. The largest contributors to ambient noise levels are I-5, separating the lagoon's largest two basins, and Coast Highway 101 near the western edge of the lagoon. In addition, Manchester Avenue borders the northern edge of the lagoon and the railroad separates the west and central basins. Short-term noise measurements within 1,420 feet of I-5 ranged from 59-66 dBA Leq with corresponding maximum noise levels (loudest single moment) ranging from 64-78 dBA Lmax. The Draft Encinitas General Plan Update (City of Encinitas 2012) included a model of existing traffic noise contours near the lagoon (excluding the railroad). As shown in that model, the highest noise levels are found closest to I-5 and reach 80 dBA community noise equivalent level (CNEL).

Finally, the proposed amendment will not modify any components of the previously approved bridge design or associated habitat benefits. Likewise, the previously approved wetland and ESHA impacts, required mitigation, and special conditions for the project (Exhibit 4) will remain unchanged. As such, the proposed amendment will maintain consistency with all Chapter 3 policies as previously outlined in the findings for CDP 6-15-2092.

Based on the existing ambient noise levels and bird distribution in San Elijo Lagoon, no adverse impacts are anticipated; however, the proposed mitigation and monitoring described above would ensure that sensitive avian species that nest within the lagoon are protected. Because the proposed amendment would not result in any new adverse impacts, it would not significantly disrupt or degrade habitat values or ESHAs, nor would it be incompatible with their continuance. Therefore, the Commission finds that the subject amendment is consistent with Section 30240 of the Coastal Act. In addition, by applying Implementation Measure 5.5.8 of the NCC PWP/TREP, as proposed to be amended by PWP-6-NCC-16-0006-2, the Commission finds that the subject amendment is also consistent with the NCC PWP/TREP, as proposed to be amended by PWP-6-NCC-16-0006-2.

### **C. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Pursuant to Public Resources Code Section 21067 and Sections 15050 and 15051 of Title 14 of the California Code of Regulations, Caltrans is the lead agency for purposes of the California Environmental Quality Act (CEQA), as it is the public agency with principal responsibility for carrying out the I-5 related improvements and the larger NCC PWP/TREP. As the lead agency under CEQA, Caltrans certified a Final Environmental Impact Report addressing the subject plan in November 2013.<sup>5</sup> Caltrans is also the state-

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<sup>5</sup> The certification of that EIR is the subject of ongoing litigation in San Diego Superior Court. According to Caltrans, the parties are still in negotiations to resolve the lawsuit. The next hearing is currently scheduled for January 20, 2017. However, at this point, no relief has been granted that would affect the status of this EIR. Moreover, for the reasons stated in the Commission's findings in support of its original certification of the NCC PWP/TREP (see July 24, 2014 staff report at pages 26-28), which are incorporated herein by reference, that litigation does not prevent the Commission from taking the instant action on the subject NCC PWP/TREP amendment.

designated lead agency under CEQA for the rail component of the plan and released the LOSSAN FINAL Program EIR/EIS in September 2007, with the Record of Decision issued on March 18, 2009. The Commission functions as a responsible agency for this project under CEQA

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

As discussed previously, the proposed amendment has been designed to avoid any coastal resource impacts. Thus, the proposed amendment can be found consistent with the Chapter 3 policies of the Coastal Act as well as the NCC PWP/TREP, as amended by PWP-6-NCC-16-0006-2. Mitigation measures, including pre-construction bird surveys, biological monitoring to evaluate bird responses, specialized construction techniques to minimize noise and vibrational impacts, and noise and distance limitations, will minimize all adverse environmental impacts. As submitted, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A – Substantive File Documents

- Public Works Plan No. PWP-6-NCC-13-0203-1
- Public Works Plan Amendment No. PWP-6-NCC-16-0001-1
- Public Works Plan Amendment No. PWP-6-NCC-16-0006-2
- Coastal Development Permit No. 6-15-2092
- Notice of Impending Development No. NCC-NOID-0005-15
- City of San Diego LCP Amendment No. LCP-6-SAN-14-0813-1
- City of Encinitas LCP Amendment No. LCP-6-ENC-14-0814-1
- City of Carlsbad LCP Amendment No. LCP-6-CAR-14-0815-1
- City of Oceanside LCP Amendment No. LCP-6-OCN-14-0816-1

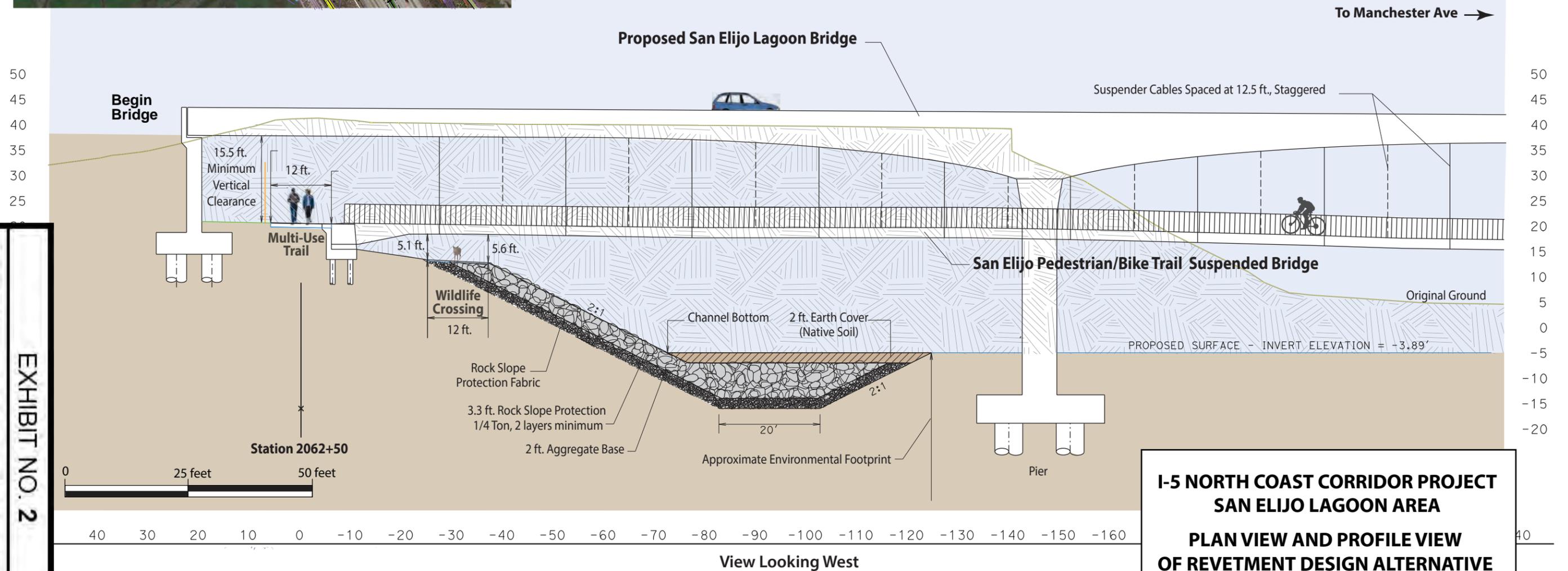
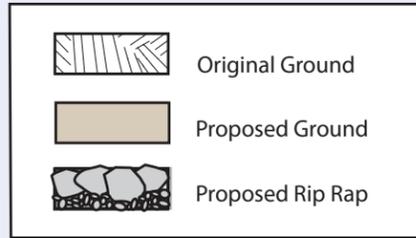
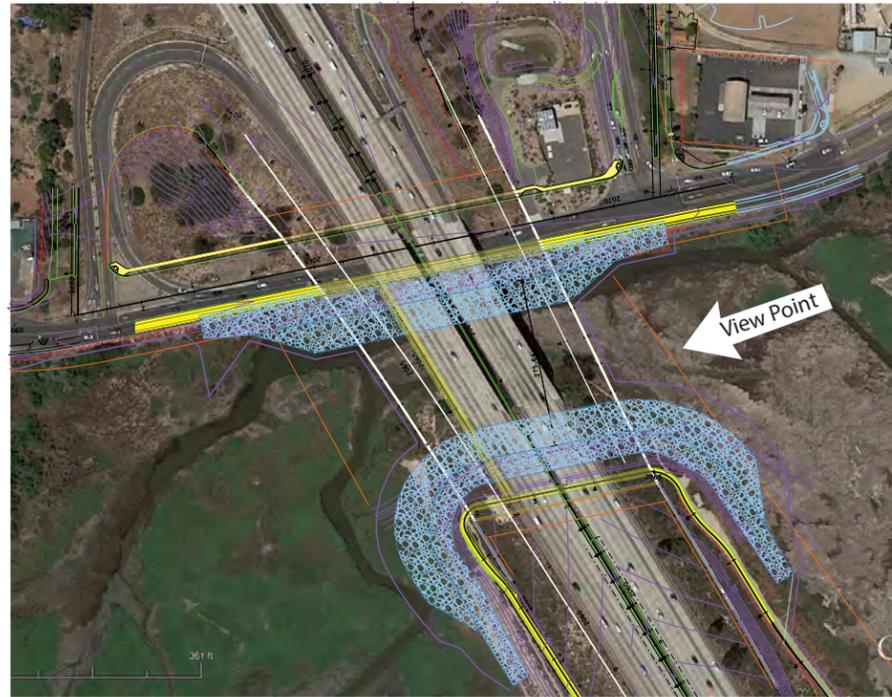


EXHIBIT NO. 1  
 Phase 1/Stage 1 Aerial Map  
 CDP Amendment #6-15-2092-A1  
 California Coastal Commission

- LEGEND**
- ENVIRONMENTAL FOOTPRINT LIMIT
  - RIGHT OF WAY
  - CUT/FILL LIMIT
  - 1/4 TON ROCK SLOPE PROTECTION
  - 1/4 TON ROCK TOE PROTECTION (EARTH COVERED)
  - NATIVE SOIL BACKFILL

# I-5 NCC SAN ELIJO/MANCHESTER PROJECT

EXHIBIT - ENVIRONMENTAL FOOTPRINT - PACKAGE 1



**I-5 NORTH COAST CORRIDOR PROJECT  
SAN ELIJO LAGOON AREA  
PLAN VIEW AND PROFILE VIEW  
OF REVETMENT DESIGN ALTERNATIVE**

**San Elijo Lagoon I-5 Bridge Section**  
 CDP Amendment #6-15-2092-A1  
 California Coastal Commission  
**EXHIBIT NO. 2**

## Proposed PWP/TREP Amendment

**Implementation Measure 5.5.8:** The following mitigation measures shall be implemented for all new transportation and associated community and resource enhancement projects to minimize impacts to wildlife species during construction.

- A channel large enough to maintain hydrologic function/connectivity and for fish passage would be kept open throughout construction within the San Luis Rey River and all of the lagoons.
- All pile driving near the lagoons would be completed outside the bird breeding season (February 15-September 15) to minimize construction noise impacts to bird species around the lagoons, if feasible.
- If pile driving near the lagoons is necessary during the bird breeding season, the following mitigation measures shall be required from February 15 through September 15:
  - Pre-construction bird surveys will be completed to document the location of occupied areas;
  - A biologist knowledgeable in the specific nesting bird species will be present to monitor bird reactions to noise when pile driving begins and throughout pile driving activities to ensure that listed avian species are not being disturbed. The biologist shall halt work if birds are startling off nests in response to the impact of a pile driving hammer and consult with USFWS prior to continuing with any pile driving activities;
  - Pile driving will be conducted with a vibratory hammer to reduce construction noise and concussive pressure waves whenever possible;
  - An impact hammer may be used to proof the piles only if it is infeasible to use a vibratory hammer, and monitoring demonstrates that noise levels in areas occupied by individual nesting of Coastal California gnatcatcher, Ridgway's rail, or other listed avian species will remain below 80 dBA 1-hour Leq;
  - Noise attenuation measures (e.g., cofferdams and/or a shroud of blankets around the driving hammer) will be implemented to reduce pile driving noise;
  - No pile driving would be allowed within 600 feet of documented nesting colonies of California least tern and/or western snowy plover; and
  - If pile driving or general construction takes place within 2000 feet of a documented nesting colony of California least tern and/or western snowy plover, noise levels shall remain below 72 dBA 1-hour Leq and below a maximum of 78 dBA.
- Pile driving for bridge construction near the San Luis Rey River will be completed between September 16 and February 14.
- If pile-driving takes place in or adjacent to lagoon waters greater than 1 meter in depth, there shall be a hydroacoustic monitoring plan to avoid injury to fish or marine mammals from high levels of underwater sound. The plan shall take into consideration both peak and cumulative exposure to sound. The plan shall include provisions for stopping pile driving if Caltrans dual criteria for injury to fish are exceeded (206 dB peak or 187 dB accumulated sound exposure level).
- During in-water bridge construction activities at all lagoons, bubble curtains, cofferdams or other methods to minimize acoustical impacts to aquatic and avian species would be implemented. If feasible, a hydraulic driver shall be used to further reduce noise levels. These measures would be developed in conjunction with the resource agencies when the project design and construction methodology is further developed.

EXHIBIT NO. 3

IM 5.5.8 Language (Pg 1 of 2)



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- A qualified biologist would be made available for both the preconstruction and construction phases to review grading plans, address protection of sensitive biological resources, and monitor ongoing work. In cooperation with the biologist, an acoustic specialist will monitor pile driving noise levels. The biologist should be familiar with the habitats, plants, and wildlife of the project area, and maintain communications with the resident engineer and acoustic specialist, to ensure that issues relating to biological resources are appropriately and lawfully managed.
- Detention basins would be placed in many of the loop ramps, and bioswales would be placed on many of the slopes to treat runoff from the freeway.
- Lighting used at night for construction would be shielded away from ESHAs.
- Dust generated by proposed operations would be controlled with BMPs.

Any modifications to these mitigation measures shall only be considered after consultation and approval from the appropriate resource agency (e.g., USFWS for birds, National Marine Fisheries Service for fish and marine mammals) and/or the REMP Working Group.

## IV. SPECIAL CONDITIONS

### A. SPECIAL CONDITIONS FOR CDP 6-15-2092 & NOID NCC-NOID-0005-15

**1. Final Plans.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and written approval, final project plans for the Phase 1/Stage 1 specific project, including the following: Final Construction Plans, Final Construction Schedule including lane/ramp closures, Final Stormwater Pollution Prevention Plan, and Final Integration Plan. Said plans shall be in substantial conformance with the preliminary plans submitted with this application on December 4, 2015.

Caltrans shall undertake the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans for the portions of the project covered by CDP 6-15-2092 shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment to the coastal development permit is legally required; and no changes to the approved final plans for the portions of the project covered by NOID NCC-NOID-0005-15 shall occur without a subsequent NOID unless the Executive Director determines that a subsequent NOID is not legally required.

**2. Required Agency Permits.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and written approval, all necessary state and federal permits for all aspects of the Phase 1/Stage 1 specific project, including from the U.S. Army Corps of Engineers, the California Regional Water Quality Control Board, U.S. Fish and Wildlife Service, California Fish and Wildlife Service, and National Marine Fisheries Service.

**3. Cooperative Maintenance Agreements.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit to the Executive Director for review and written approval, Cooperative Maintenance Agreements with the City of Encinitas and the City of Solana Beach for community enhancements and water treatment features in Phase 1/Stage 1 that are within their jurisdictions.

**4. Final Mitigation.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall provide evidence, in a form and content acceptable to the Executive Director, that adequate credits have been released from the Resource Enhancement and Mitigation Program (REMP) in order to provide compensatory mitigation for Phase 1/Stage 1 impacts to wetlands and sensitive upland habitats. If adequate credits are not available, the applicant shall provide mitigation using typical ratios required by the Commission, as follows: 4:1 for wetlands; 3:1 for riparian habitats, rare habitat types or habitats that support rare species; and 2:1 for other ESHAs, including coastal sage scrub and southern mixed chaparral. Mitigation shall be consistent with the provisions of the REMF.

EXHIBIT NO. 4

6-15-2092 Special Conditions (Pg 1 of 2)



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**5. Final Lighting Plan. PRIOR TO INSTALLATION OF FREEWAY**

LIGHTING, Caltrans shall submit to the Executive Director for review and written approval, a Final Lighting Plan. In order to protect visual and biological resources in and adjacent to San Elijo Lagoon, the Final Lighting Plan shall include a final lighting design that includes applicable technologies designed to reduce night glow and light trespass, and minimize the number of light poles, while still maintaining a level of illumination necessary to maintain required freeway lighting for operations and safety.