## Coastal Zone Management Act Consistency

Congress enacted the Coastal Zone Management Act (CZMA) in 1972 to encourage states to preserve, protect, develop, and, where possible, restore or enhance valuable natural coastal resources such as wetlands, floodplains, estuaries, beaches, dunes, barrier islands, and coral reefs, as well as the fish and wildlife using those habitats.

The Coastal Zone Management Act (CZMA) of 1972 requires any applicant seeking a Federal license or permit that could affect land or water uses or resources of the California coastal zone to perform a Federal Consistency Determination for the proposed Project. The determination provides a certification that the proposed action will be conducted in a manner that to the maximum extent possible is consistent with the policies of the California Coastal Management Program as outlined in the California Coastal Act of 1976. The following is a consistency certification as required by CZMA for the Oceanside Passing Track Extension Project proposed by North County Transit District. This Project is located entirely in the coastal zone within the City of Oceanside, California.

## Authority

This Coastal Consistency Certification is submitted in compliance with 15 CFR Section 930.57 *et seq.* of the National Oceanic and Atmospheric Administration (NOAA) Federal Consistency Regulations (15 CFR 930).

## Certification

As required by 15 CFR 930.57 (b) it has been concluded that the proposed Project complies with the enforceable policies of California's approved coastal zone management program and will be conducted in a manner consistent with such program.

## Project Description

### Project Location

The Project area is located in Oceanside, San Diego County, California, and approximately 0.5 miles inland from the Pacific Ocean. The project area is bounded to

the north by Oceanside Boulevard, to the west by South Myers Street, to the east by South Cleveland Street and Broadway and to the south by a distance of approximately 75 feet south of the southern end of Broadway, above Buena Vista Lagoon. The Project is located on land currently owned by NCTD.

The topography in the project vicinity is relatively flat. The surrounding land uses are primarily residential and recreational. The La Salina Wastewater Treatment Plant is located near the project area north of the timber railroad bridge over Loma Alta Creek.

**Project Components**

The Project entails two components. The first is construction of a 1.2 mile long passing track extension that will cross Loma Alta Creek by a new pre-cast concrete bridge. The second is to replace the existing timber railroad bridge at Loma Alta Creek with a pre-cast concrete bridge.

The Project will consist of the following major components:

- Extending the existing passing track southward by 1.2 miles from Mile Post (MP) 227.2 to MP 228.4.
- Constructing a new pre-cast concrete bridge over Loma Alta creek.
- Replacing the existing timber railroad bridge over Loma Alta creek with a pre-cast concrete bridge.
- Constructing a fill slope next to Buccaneer Park.
- Modifying the existing at-grade track crossings at Oceanside Boulevard and Cassidy Street.
- Installation of a new signal Control Point (CP) at MP 228.4, CP Longboard.
- The removal of the existing turnout at MP 227.2 and the installation of a new turnout at MP 228.4.
- Install new cross-overs at MP 226.70.

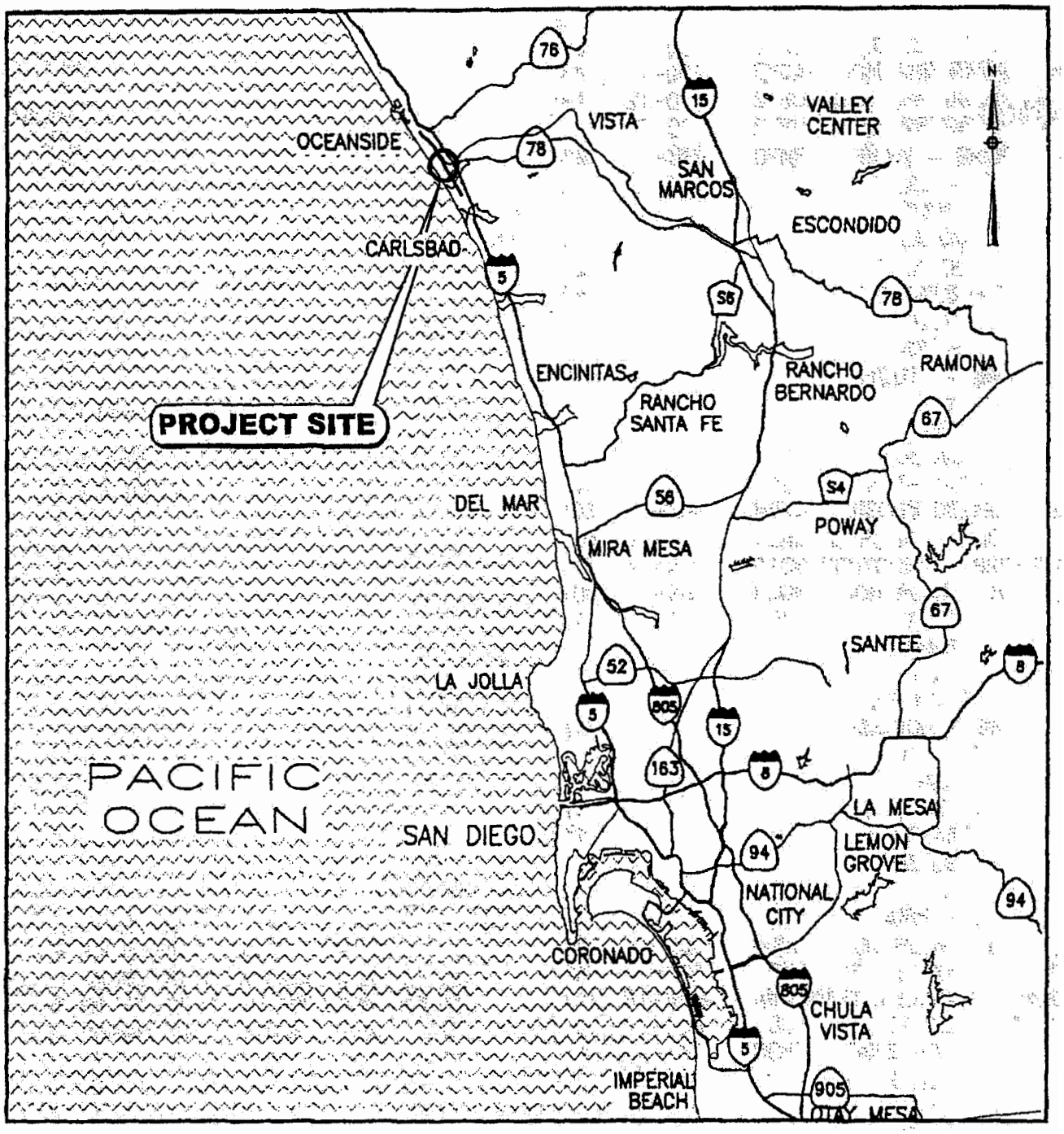


**Figure 1.** **Vicinity Map for the Oceanside Passing Track Extension Project Site, San Diego County, California.**

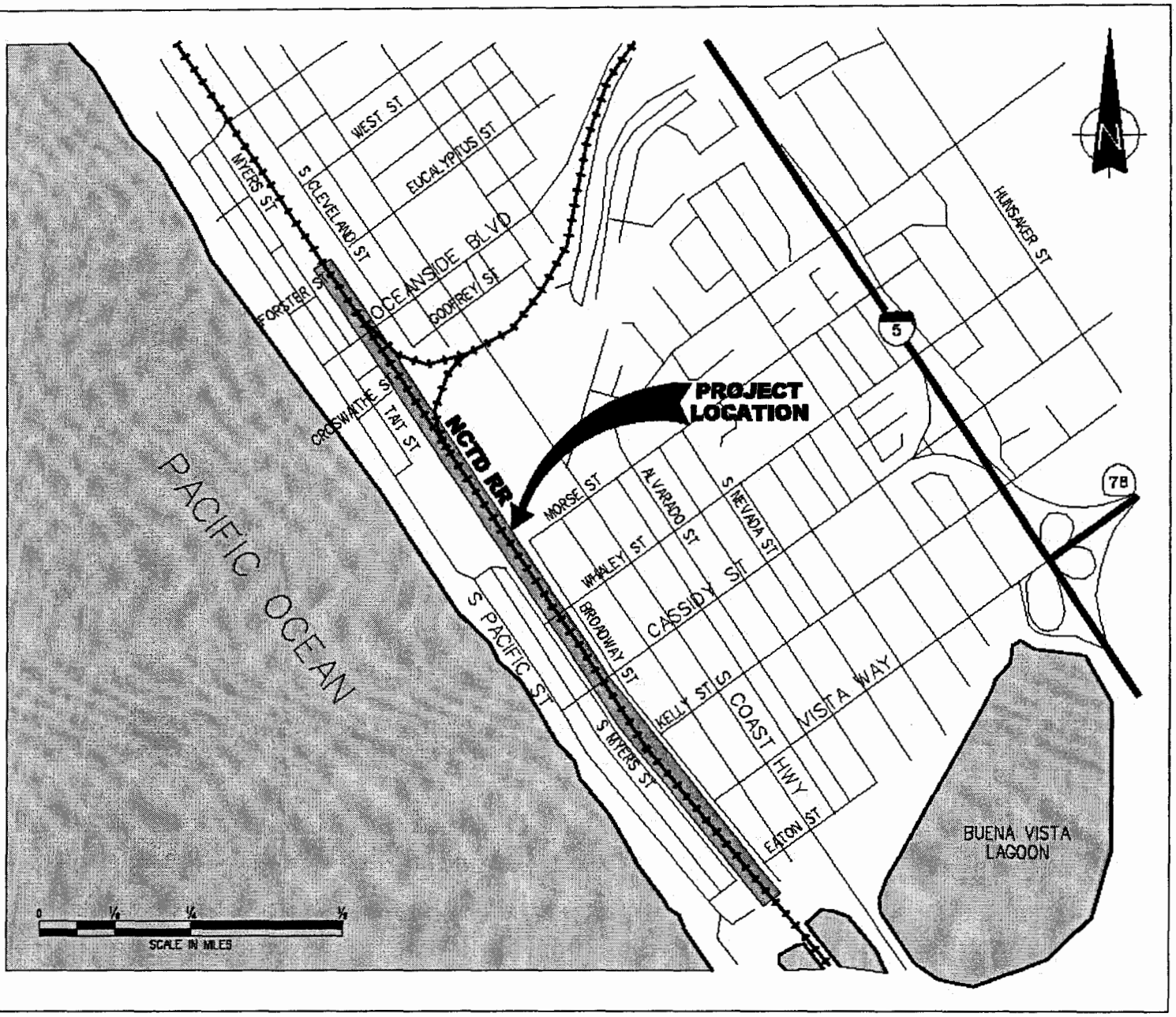


**Figure 2.** **Location Map for Oceanside Passing Track Extension Project, San Diego County, California.**


**Figure 3**

**Equipment Laydown and Construction Staging Areas**

Oceanside passing Track Extension Project
San Diego County, California

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**Construction Procedures**

This section describes the proposed construction procedures to install the new passing track, and the construction of bridges and other structures. All construction activities will be confined to the NCTD right-of-way.

**Track Structure**

The extension of the existing passing track will be located 20 feet west of the existing main line track and will generally follow the alignment of the existing track. The passing track extension will utilize continuously welded rail and concrete cross ties. The track will be located at surface grade except where it crosses Loma Alta Creek. The route has been designed to have equivalent cut and fill volumes so that the track sub-grade is neither expected to require significant amounts of off-site fill material nor to produce excess soil.

The existing turnout at MP 227.2 will be removed and the track extended to MP 228.4 where a new turnout will be installed. The new turnout will permit speeds up to 60 mph on the turnout side. The new extension itself will be suitable for a maximum operational speed of 90 mph.

Two existing at-grade crossings, one at Oceanside Boulevard and one at Cassidy Street will be modified to accommodate the second track. Modification of the grade crossings can be accomplished over weekends to minimize the consequences of street closures. A traffic plan will be developed to provide safe traffic diversion. The modified crossings will retain all the existing safety related equipment relocated to accommodate the second track. Modification of these public grade crossings will require CPUC approval and will be designed in accordance with their requirements.

**Bridges & Other Structures**

Currently, there is a timber railroad bridge supporting the existing track over Loma Alta Creek. This bridge is a sixteen span 236-foot long, plus or minus, ballasted deck bridge supported on timber trestles. The Project consists of removing the timber trestle bridge and constructing two new bridges, one for the existing track and one for the extension of the passing track. A sewer line is located under the trestle bridge and will be in continuous service during the project.

In order to ensure continuous train traffic flow, the new pre-cast concrete bridge will be constructed before the removal of the existing bridge. Construction of each bridge is expected to take about six months with six about months or more between completion of the first bridge and start of construction of the second bridge. The bridge sub-structure work performed near or in Loma Alta Creek will take about eight weeks for each bridge. The timber piles for the existing bridge will be cut four feet below the creek bed level. The portion of the pile deeper than this level will be left in place in order to minimize disturbance to the creek bed. The timbers that are removed will be disposed of in accordance with applicable federal, state, and local regulations.

Both of the new bridges will be near identical. They will be constructed of pre-cast concrete, supported on reinforced concrete steel shell piles and consist of five spans. The piers of both bridges will be aligned to minimize impedance to water flow in Loma Alta Creek. Each pier will be composed of sixteen piles arranged in two columns of eight. Each pile will be 18-inch diameter, steel encased, and constructed of reinforced concrete. Depending on soil conditions the piles will be driven approximately 55 feet into the creek bed and bank by pile driving equipment.

The piles will be tied together near grade by reinforced concrete footings. For each bridge, four piers and two abutments will support the five spans of the bridge. Each of the pier footings will be 9 feet wide, 19.5 feet long, and 3 feet thick, for a total footprint area of approximately 175 $ft^2$. A small gap will separate the footing of the adjacent bridge. The abutments on both banks of Loma Alta Creek will have footings of 160 $ft^2$ area each. The total area for all eight pier footings including the four abutments is approximately 2,040 $ft^2$.

In situ concrete placement will be limited to the piles, pile footings, pile caps and other minor structures of the bridges. The main girders and deck of the bridges will be pre-cast in facilities away from the construction site, transported and set in place using cranes. There will be no bridge false work over or in the creek bed.

Construction of the pier footings and abutments in the creek bed will require excavating the top three feet of the creek bed soil for concrete placement. A total of about 6,120 $ft^3$ of material will be excavated for the eight piles and four abutments. About 1,500 $ft^3$ of temporary fill will be deposited in an approximately 500 $ft^2$ area around pier No. 4 in order to raise the level of channel bed above the water surface during installation of the pier. The other piers and abutments are on dry land during the dry months, when construction is planned; therefore,

temporary fill is not expected to be required for the installation of these piers, although conservative estimates give a fill volume of approximately 500 $ft^3$ over an area of approximately 200 $ft^2$ for each pier No. 5. This technique is simple and would avoid more expensive and invasive methods such as cofferdams. Temporary fill will consist of sandbags, or other erosion resistant borrow material, to allow construction in the submerged area of pier Nos. 4 and 5. A total volume of about 2,000 $ft^3$ will be used for this temporary fill.

Permanent and temporary fill will be placed into waters of the U.S. and wetlands to allow for the installation of concrete footings and abutments. A total of about 6,120 $ft^3$ of permanent fill will be placed into the waters of the U.S. and wetlands. This will permanently affect an approximate area of 2,040 (0.047 acres) $ft^2$. Of the area permanently filled, about 350 $ft^2$ (0.008 acres) are in waters of the U.S. and approximately 1,690 $ft^2$ (0.039 acres) are in wetlands. A total of about 2,000 $ft^3$ of temporary fill will be placed into waters of the U.S. and wetlands affecting a surface area of about 700 $ft^2$. This temporary fill will be removed after construction of the footings is complete.

## Consistency with Provisions of the California Coastal Act

The following section analyzes consistency between the enforceable policies of the California Coastal Act (Division 20, Chapter 3, California Public Resources Code) and the proposed Oceanside Passing Track Extension Project. The enforceable policies of the California Public Resources Code to be analyzed are listed in italics below, followed by comment and analysis pertaining to the proposed Project.

### Article 2 Public Access

*Section 30210. 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 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

*Section 30212.* *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

*(b) For purposes of this section, "new development" does not include:*

*(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.*

*(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.*

*(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.*

*(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.*

*(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.*

*As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.*

*(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

*Section 30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding and overuse by the public of any single area.*

*Section 30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred.*

*The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*

*Section 30214. The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

*(1) Topographic and geologic site characteristics.*

*(2) The capacity of the site to sustain use and at what level of intensity.*

(3) *The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*

*(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

*(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.*

*(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

The proposed Project will not directly result in a noticeable increase in use of natural resource area, recreational facilities, or public services in the coastal zone. The purpose of the Project is to provide operational flexibility and increase service reliability and on-time performance of trains in the Los Angeles-San Diego Corridor. The Project will not result in any additional operations staff, nor will it require large numbers of construction staff for significant periods of time that might significantly affect public services and use of recreation or natural resource areas in the City of Oceanside.

The Project is located approximately 0.5 from the beach. Several major roadways provide access to the beach in and around the Project vicinity including Oceanside Boulevard, Whaley Street, Cassidy Street, and Wisconsin Avenue. The Project involves modifying the existing at-grade track crossings at Oceanside Boulevard and Cassidy Street. A traffic detour plan will be developed in order to provide safe and continuous traffic flow. All legal vehicular traffic and legal pedestrian walkways in the Project area will be maintained during construction using barricades, warning signs and warning lights as required. Also, as construction and staging areas will be limited to the NCTD right-of-way (ROW), no other portions of the proposed Project will limit access to the beach.

## Article 3 Recreation

*Section 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

*Section 30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

*Section 30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over*

*private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

*Section 30222.5. Ocean front land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

*Section 30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

*Section 30224. Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

The Project will be located entirely in the NCTD right-of-way, which is designated as a transportation corridor. The Project area is not ocean front land and is not suitable for commercial or water related recreational activities. Currently, Buccaneer Park the proposed Project will not permanently change recreational opportunities or public access to these areas. Construction of the passing track and bridge will not significantly change the aesthetics of the area. Restoration measures proposed by the Project (See Attachment 1), include restoring the area to pre-construction contours except where the Project configuration requires permanent grade changes and re-vegetation with native plant species will mitigate any impacts to aesthetics and biological resources in the area.

### Article 4 Marine Environment

*Section 30230. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

*Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alternation of natural streams.*

*Section 30232. 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.*

*Section 30233. (a). The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

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

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

*(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities shall not exceed 25 percent of the degraded wetland.*

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

*(5) 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.*

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

*(7) Restoration purposes.*

*(8) Nature study, aquaculture, or similar resource-dependent activities.*

*(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.*

*(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetlands or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.*

*For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.*

*(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

The passing track extension will cross Loma Alta Creek via a new pre-cast concrete bridge. Loma Alta Creek in the Project area is a tidally influenced creek bordered on each side in the Project area by wetland vegetation. These wetlands and surrounding areas have been highly modified from natural conditions from several activities including: channelization of the creek; development of access routes reinforced with roadbed material on the north side of the creek; and modifications made for the La Salina Wastewater Treatment Plant, Buccaneer, La Salina Trailer, and a commercial facility on the northeast side of the creek. Outside of the immediate vicinity of Loma Alta Creek, vegetation is sparse and maintained by NCTD so as to not interfere with rail operations.

In the Project area, the flood plain of Loma Alta Creek includes both 0.3 acres considered to be waters of the U.S. and 0.7 acres that have been delineated as meeting the U.S. Army Corps of Engineers (USACOE) criteria for jurisdictional wetlands. Attachment 2 Wetland Delineation Report presents the results of a wetland delineation of the Project area performed in accordance with the 1987 ACOE *Wetlands Delineation Manual* and subsequent comments. Figure 3 shows the area surveyed in the Wetland Delineation.

A site that meets the criteria for hydric conditions in any one of the three categories (vegetation, soils, or hydrology.) is considered a wetland by the California Coastal Commission. This definition differs from the USACOE definition that requires a site to meet all three criteria to qualify as jurisdictional. As shown in Figure 4, approximately 1.0 acre surrounding Loma Alta Creek can be considered wetlands, based on the California Coastal Commission's definition of wetlands. These wetland areas include all points sampled in the Wetland Delineation north of Loma Alta Creek (B5, B6, B7, B8, A5, A6, A7, A8, A9) that are south of a steep rise in ground elevation north of these points where a bluff (west end) and a road (east end) limit wetland hydrology and vegetation just past sample point B8 and A9. Sample points A9, meets only the vegetation criterion. Although one of its four dominant species is a FACW species, this point lies between an unvegetated dirt road surface and upland vegetation. Sample point B8 meets only the vegetation criterion and is dominated by a facultative species. Facultative species are equally likely to be found in wetland or upland conditions. Sample point B6, which is unvegetated, and Sample point B7 meet only the hydric soil criterion. South of the creek, all areas north of Buccaneer Park (Sample points B1 and B2) and north of a trailer park (A2, A3, A4) meet at least one wetland indicator criterion. Additionally, parts of a ditch between the trailer park and the railroad embankment (sample points C1, C2, D1, D2, and D3) meet one or

more wetland criteria and may be the remnants of the original floodplain in this area. Sample point B1 meets the wetland vegetation criterion because Fremont cottonwood has been planted along the footpath in Buccaneer Park. Sample Point C1 meets the wetland vegetation criterion based only on the dominance of facultative species.

The wetland areas as well as areas of limited vegetation in the NCTD right-of-way potentially could provide limited, degraded habitat for threatened or endangered terrestrial wildlife species, although none have been observed in field surveys of the Project area. Attachment 1 includes a biological resources assessment of the Project area as Appendix C. As described in this report, no rare, endangered, or threatened plant species were found in the Project area during field surveys in 2002, 2003 and 2006. In addition, no known threatened or endangered aquatic species are likely to occur in the Project area. This is further confirmed by the USFWS Biological Opinion found in Appendix H of the *Oceanside Passing Track Extension Project Environmental Report.*

The Project will involve the installation of eight concrete piers. Additionally four abutments (two for each bridge) will be installed adjacent to the existing railroad grade. These activities will require about 2,000 $ft^3$ of temporary fill in the jurisdictional wetlands and other waters of Loma Alta Creek. Work on only two piers (potentially four) will occur in the wetted channel of Loma Alta Creek. All ground surfaces will be re-graded to pre-construction contours and the area will be re-vegetated with native wetland species. A total of about 6,120 $ft^3$ of permanent fill will be placed into jurisdictional wetlands and other waters of Loma Alta Creek for the eight bridge piers and four abutments. This will permanently affect a surface area of about 2,040 $ft^2$. The placement of piers will be such that they will not obstruct high flows during storm events. In addition, permanent fill will not create any impoundments in the creek. In addition, permanent fill will not create any impoundments in the creek.

Minor amounts of terrestrial vegetation will be removed during the excavation of the pier sites and installation of additional abutments. The only other impacts to terrestrial vegetation will be from equipment ingress and egress and minor disturbances associated with other Project activities outlined in Attachment 1.

Although the Project area currently experiences relatively high noise levels and disturbance from passing trains, wildlife may be temporarily disturbed by additional noise, commotion, lighting and dust during the construction of the Project. After construction is complete,

conditions will be relatively similar to pre-project conditions with the possible exception of a slight increase in rail traffic.

The following discusses mitigation measures that will be implemented to minimize any potential impacts from the proposed Project on biological resources. Additional mitigation measures for the Project are outlined in Attachment 1.

**Erosion Control.** During construction activities, water pollution and erosion control measures will be implemented to minimize runoff and sediment from entering Loma Alta Creek. All construction near or in Loma Alta Creek will be done during the dry season to minimize the mobilization of sediment. The following measures will also be applied:

- Silt protection (fencing or other approved methods) will be in place and functional where necessary, prior to excavation of bed material and addition of fill material.
- After bridge construction is completed, temporary fill will be removed and pre-construction contours will be restored where applicable.

**Equipment Staging and Access.** The location of the staging area (see Figure 3) and access routes to the channels will be on pre-existing roadways and NCTD right-of-ways with the exception of three approximate 10,000 square foot (0.23 acre) areas for a total of about 30,000 square feet (0.69 acres). The first is the contractor's laydown area (200 ft. x 50 ft.) which will be on the flat land inside NCTD's right-of-way, west of the exiting mainline track, south of Ocean Blvd. and north of Loma Alta Creek. Access to this area will be from Ocean Blvd. This area will be used for staging of equipment throughout the Project. The second area is the bridge construction staging area, approximately 100 ft. x 100 ft., west of the track and north of Loma Alta Creek for staging the equipment needed for bridge construction. This area is where excavators, loaders and other equipment for bridge construction will be staged. Access to this staging area on the east side of the track will be from Coast Highway by private service road. The third area is a temporary staging area for locating the crane and pipe driving equipment during actual construction of the bridge. This area is actually two, approximately 50 ft. x 50 ft. areas next to Loma Alta Creek. This staging area will need to be located in the wetlands area due to bridge construction logistics. Mitigation for this impact is discussed below (No. 10). Access to this area will be from south Pacific Street west of the Park. Pre-construction contours will be restored where applicable and disturbed areas will be hydroseeded with pre-approved mixture as appropriate.

**Storage and Maintenance of Equipment.** The location of the staging area and access routes to the channels will be on pre-existing roadways and the NCTD rights-of-way (ROW). Storage and maintenance of equipment will be confined to the upland staging locations in the NCTD ROW, away from any jurisdictional waters or undisturbed habitat. All storage of equipment and materials will be confined to this staging area. Any equipment or vehicles operated adjacent to the stream will be checked and maintained to prevent leaks of oil, fuel or other material that, if introduced into the water, could be deleterious to aquatic life. Equipment will be maintained in the upland staging area. When working, the contractor will have an emergency spill containment kit to contain and remove spilled fuels, hydraulic fluids, etc. Likewise, equipment re-fueling or storage of these materials will not occur within 500 feet of wetlands.

**Site Restoration**. Following construction of the passing track, the staging area will be entirely removed. Ground surfaces will be re-graded to pre-construction contours, except where the Project configuration requires permanent grade changes.

**Vegetation Conservation and Restoration.** The following standard construction methods are proposed in order to minimize the impacts to existing vegetation and habitat values:

- To minimize damage to vegetation and soil compaction, temporary construction fencing will be installed to clearly identify the agreed limits of disturbance within the stream corridor.
- In upland areas disturbed by construction activities, topsoil will be replaced and hydro-seeded with pre-approved mixture.
- Re-vegetation efforts will include planting native vegetation in all wetland areas where vegetation was removed or impacted. No such disturbances are anticipated.

**Worker Awareness.** Amtrak will develop and implement a Worker Environmental Awareness Program in which each of its employees, as well as employees of contractors and subcontractors who work on the Project site during construction and operation, are informed about the sensitive biological resources potentially occurring in the Project area. The programs will be administered by an approved Biological Monitor and will include the following topics:

- Discuss the types of sensitive biological resources potentially on the Project site and adjacent areas;
- Present the meaning of various temporary and permanent habitat protection measures;
- Present what to do if previously unidentified sensitive resources are encountered; and

- Identify whom to contact if there are further comments and questions about the material discussed in the program.

**Species-Specific Mitigation.** The US Fish and Wildlife Service issued their Programmatic Biological Opinion (B.O.) for the Rail Corridor from the Orange County Border South to Southern Oceanside for Operations and Maintenance, and Six Double-Track Projects in San Diego County, California (1-6-05-P-4123.2) on Sept. 9, 2005 and Amended Nov. 14, 2005. This project was addressed at the project level in the B.O. After reviewing the proposed project, the potential species affected and current species status, the environmental baseline of the project area, and the potential effects of the proposed project, the B.O. opinion concludes that the Project, as proposed, is not likely to jeopardize any designated critical habitat of or the continued existence of: the coastal California gnatcatcher, least Bell's vireo, tidewater goby, and arroyo toad. The opinion does, however, incorporate several conservation measures that will avoid and minimize effects to threatened, endangered, or sensitive wildlife species potentially occurring in the Project Area. See *Oceanside Passing Track Extension Project Environmental Report* Appendix G, Mitigation Monitoring Plan, for a tabulation of these measures, or Appendix H, USFWS Programmatic Biological Opinion, for more details.

**Construction Timing and Duration.** Project construction is expected to span 18 months. Construction of each bridge is expected to take about six months with about six months or more between completion of the first bridge and start of construction of the second bridge. The bridge sub-structure work performed near or in Loma Alta Creek will take about eight weeks for each bridge. This "near water" activity will occur during the predicted low-flow season. Construction during the dry season will limit the potential for precipitation causing the mobilization of fine material disturbed by this type of construction activity.

**Jurisdictional Wetland Compensation.** Areas suitable for wetland restoration are available to the northwest of the existing jurisdictional wetlands. Restoration of this area will serve as compensation for loss of wetlands associated with the bridge footing placement and impacts from the construction staging area.

In addition to protecting biological resources, these mitigation measures, including sediment control practices, will control runoff, maintain natural vegetation buffer areas post-construction, and will sustain the biological productivity and quality of coastal streams, wetlands, and marine resources. The permanent fill associated with the Project will also not substantially alter natural streamflow or wetland functions. In addition, the storage and maintenance mitigation measures

above will sufficiently protect against the spillage of hazardous substances in the Project area. A project specific spill contingency plan will also be developed and implemented to reduce the potential impacts from an accidental spill. The Project will also not involve erosion or flood control facilities.

The purpose of the Project is to provide operational flexibility and increase service reliability and on-time performance of trains in the Los Angeles-San Diego Corridor. This purpose is an incidental public service as outlined in Section 30233 (a)(5). The Project has been designed to fulfill this purpose in the least environmentally damaging way possible. The mitigation measures outlined in the Mitigation Monitoring Plan have been developed to minimize any adverse environmental impacts. As such, the Proposed Project is consistent with Sections 30230, 30231, 30232, and 30233 of the California Coastal Act.

*Section 30234. Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

*Section 30234.5. The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

The Project will not affect commercial or recreational fishing or boating activities. As outlined in Attachment 1 (Appendix – D Biological Resources Assessment Report) no economic, commercial, or recreationally important fish species will be impacted by the Project.

*Section 30235. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.*

The Project will not impact natural shoreline processes or sand supplies.

*Section 30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

As discussed above in Sections 30230, 30231, 30232, and 30233, the Project will not permanently alter Loma Alta Creek substantially. Flows in the creek will be minimally impacted during the replacement of existing wood piers by concrete piers in the creek.

## Article 5 Land Resources

*Section 30240.*

(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.*

As described in Sections 30230, 30231, 30232, and 30233 above, the Project has been designed and mitigation measures developed to avoid significant disruption of wetlands and other habitat values in the Project area. As discussed in Sections 30220, 30221, 30222, 30223, and 30224, Buccanneer Park and nearby private walkway will experience temporary disturbance during construction of the Project, this disturbance will be temporary in nature and will be confined to the NCTD right-of-way and far east side of the park. The Project will not cause any permanent affects on use of these recreation and park facilities. As the Project area is already designated as a transportation corridor, no change in land-use will occur due to the Project.

*Section 30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

*(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*

*(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*

*(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*

*(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*

*(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*

*(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of prime agricultural lands.*

*Section 30241.5*

*(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:*

*(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*

*(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately*

*preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*

*For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.*

*(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.*

*Section 30242. All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

The Project is on land zoned as a transportation corridor. No change in land use will occur as a result of the Project. No agriculture lands are in or adjacent to the Project area. In addition, the Project will not impact existing agricultural resources through impacts to water and air quality in the region or impacts to the economic viability of existing agricultural uses.

*Section 30243. The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.*

The Project will not impact the long-term productivity of soils or timberlands.

*Section 30244. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

An analysis of potential archaeological or paleontological resources in the Project area has been performed and is provided in Attachment 1 (Appendix D – Cultural Resources Assessment Report). As discussed in this report, a records search and field survey were conducted of the Project area. No known cultural resources or resources identified by the State Historic Preservation Officer are in the Project area. Should any previously undiscovered cultural resources be found during construction, work will stop until such time that a qualified archaeologist can evaluate the resource.

## Article 6 Development

*Section 30250.*

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

*(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.*

*(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

The Project is an improvement to already existing transportation facilities. The Project area is zoned a transportation corridor. In addition, the Project will be consistent with the existing land use of the Project area and neighboring land uses. The Project will not increase use of public services and will, in fact, improve public transportation in the region.

*Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

*New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of the setting.*

As the Project will be at grade with the existing rail track, views to and along the ocean will not be affected by the Project. Restoration of the Loma Alta Creek area as described above in Sections 30230, 30231, 30232, and 30233 will return this area to pre-construction conditions where possible, causing minimal impact to natural landforms and aesthetic qualities in the area. The only change to the visual character of the area will be the replacement of the wood trestle bridge with two concrete bridges. The bridge replacement will not significantly change the scenic or visual quality of the area.

Section 30252. *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

As discussed in Articles 2 and 3 above, the Project will minimally affect public access to the coast for only a short time during improvements to track crossings over Oceanside Boulevard and Cassidy Street. The Project will not cause any permanent changes to the use or character of recreation and/or other public facilities. The Project will provide operational flexibility and increase service reliability and on-time performance of trains in the Los Angeles-San Diego Corridor. As such, the Project will enhance public transit on the California coast.

Section 30253. *New development shall:*

*(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

The Project involves improvements, including a new bridge and retaining wall, which will improve safety on an existing rail track. The Project will be designed in accordance with accepted engineering practices that prevent damage from geologic, flood, or fire events.

*(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The Project will be designed in accordance with excepted industry standards assuring structural integrity. The Project will be constructed at the current grade of the existing track. The only permanent change to landforms will be the construction of abutments for the bridge crossing over Loma Alta Creek. Mitigation measures designed for the Project (See Sections 30230, 30231, 30232, and 30233) including regrading, revegetation, and sediment control will protect against any substantial alteration of natural landforms or increase in erosion or geologic instability in the Project area.

*(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*

Minor, temporary increases in emissions may occur during construction activities from construction equipment. All construction equipment will be properly maintained to reduce emissions and a Fugitive Dust Control Plan will be developed and implemented to reduce particulate emissions from fugitive dust. These emissions are construction related and therefore will be temporary. The Project will not permanently increase air emissions in the region.

(4) *Minimize energy consumption and vehicle miles traveled.*

The Project will enhance non-automobile public transportation and will, therefore, reduce gas consumption and vehicle miles traveled in the region.

*(5) Where appropriate, protect special communities and neighborhoods, which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The Project will not impact any special communities or neighborhoods.

*Section 30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however that is the intent of the legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependant land use, essential pubic services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercials recreation, and visitor-servicing land uses shall not be precluded by other development.*

The Project is being proposed in response to an increased need for reliable rail transit in the region. The Project is considered an essential public service.

*Section 30254.5*

*Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412.*

Not applicable.

*Section 30255. Coastal-dependent development shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.*

Although the Project is not a coastal-dependent development, it is an improvement of an already existing rail track near the shoreline. This track, as a means of public transportation, supports coastal-dependent developments, uses, and facilities in the region.

## Article 7 Industrial Development

Sections 30260, 30261, 30262, 30263, 30264, 30265, and 30265.5 of the California Coastal Act are not applicable to the Oceanside Passing Track Extension Project.