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PROPOSED FINDINGS

ON CONSISTENCY CERTIFICATION

AND CONSISTENCY DETERMINATION

Consistency Certification No.	**CC-061-04**
File Date:	8/10/2004
3 Months:	11/10/2004
6 Months:	2/10/2005
Extended through:	2/18/2005
Consistency Determination No.	**CD-062-04**
File Date:	8/10/2004
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75th Day:	10/24/2004
Extended through:	11/20/2004
Staff	LJS-SF
Commission Vote:	11/17/2004
Hearing on Findings:	2/17/2005

APPLICANT (CC-061-04): **Los Angeles World Airports**

PROJECT LOCATION: Los Angeles International Airport, City of Los Angeles

PROJECT DESCRIPTION: Airfield improvements and modifications (Exhibits 1-3, and 7)

PREVAILING COMMISSIONERS: Commissioners Burke, Caldwell, Iseman, Kram, Kruer, Orr, Neely, Peters, Potter, Wan, and Chairman Reilly

FEDERAL AGENCY (CD-062-04): **Federal Aviation Administration**

PROJECT LOCATION: El Segundo Dunes portion of Los Angeles International Airport

PROJECT DESCRIPTION: Installation of navigation aids and related infrastructure to support the proposed realignment and lengthening of the two north airfield runways (Exhibits 1-3, and 12)

PREVAILING COMMISSIONERS: Commissioners Burke, Caldwell, Iseman, Kram, Kruer, Neely, Peters, Potter, Wan, and Chairman Reilly

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EXECUTIVE SUMMARY

Los Angeles World Airports (LAWA) has submitted a consistency certification for airfield improvements and modifications at Los Angeles International Airport (LAX) just inland of the coastal zone. The Federal Aviation Administration (FAA) has submitted a consistency determination for reconfiguration of navigation aids in the El Segundo Dunes area of LAX within the the coastal zone. Because the projects covered in the two submittals are interconnected, the Commission staff determined that a single staff report would more clearly describe the overall LAX redevelopment plan and the LAWA and FAA projects. The combined staff report evaluates the consistency of LAWA's proposed development projects at LAX with the California Coastal Management Program (CCMP), and evaluates whether the FAA's navigation aid project is consistent (to the maximum extent practicable) with the CCMP.

The planning for proposed improvements at LAX began ten years ago and culminated in the Los Angeles City Council approval of the preferred project – Alternative D – on October 20, 2004. The proposed LAWA and FAA projects are designed to: (1) expand and modernize terminal and parking facilities to address passenger and cargo growth occurring at LAX since completion of its last major improvement project in 1984; and (2) improve safety and efficiency of aircraft operations at LAX by realigning runways and taxiways on the north and south airfields. The proposed LAWA and FAA projects are designed to bring LAX facilities into conformance with federal statutes and FAA regulations, advisories, and standards that govern the design of runways and taxiways, and the placement and configuration of navigation aids.

The proposed LAWA and FAA projects would be implemented in three phases extending from 2004 through 2014. The parking structure is currently scheduled for Phase 1 in the years 2004 through 2005. The proposed modifications to the north airfield runways and the reconfiguration of the associated navigation aids in the El Segundo Dunes are currently scheduled for Phase 3 in the years 2012 through 2014.

The Commission's review focuses primarily on potential coastal zone effects from the proposed modifications to the two north airfield runways (e.g., lengthening, realigning, and adding taxiways), ~~and~~ the reconfiguration of their associated navigation aids in the El Segundo Dunes, and~~. This review also focuses on~~ the adequacy of mitigation measures proposed for unavoidable impacts to environmentally sensitive habitat (ESHA) in the El Segundo Dunes. ~~, and on the adequacy of water quality protection measures.~~

Proposed development in disturbed wetlands (at the western end of the north airfield inland of the coastal zone boundary) holds the potential to adversely affect coastal zone wildlife that could be dependent upon these wetlands. Proposed development in this location may also adversely affect other natural habitats that could support wildlife resources of the coastal zone. However, at the present time there is inadequate information on the potential impacts to coastal zone resources from proposed LAX developments inland of the coastal zone for the Commission to determine whether those projects are consistent with the relevant policies of the Coastal Act. To

bring the proposed Alternative D project into consistency with Sections 30233 and 30240 of the Coastal Act, the Commission conditioned its concurrence with CC-061-04 to state that the project would be consistent with the CCMP if:

> As part of the Commission's phased federal consistency review of the proposed LAX Alternative D project, Los Angeles World Airports (LAWA) will submit to the Commission, prior to the commencement of construction of Alternative D project components, one or more consistency certifications for: . . . (2) the Alternative D development projects that would affect existing habitat at the west end of the LAX north airfield, which in turn could affect resources of the coastal zone. The future consistency certification(s) would be submitted to the Commission (under a schedule developed by Commission staff and LAWA personnel) when the . . . development projects are developed to a level of detail such that consistency with the California Coastal Management Program can be evaluated.

~~However, these disturbed wetlands are located outside the coastal zone, have no hydrological connection to the coastal zone, and do not provide habitat significantly beneficial to or required by fish or wildlife present in the coastal zone. In addition, to the extent the wetland allowable use test may be applicable, the proposed fill would be an allowable use (incidental public service), the least environmentally damaging alternative, and unavoidable project impacts would be adequately mitigated. Thus, the project is consistent with the wetland policy (Section 30233) of the Coastal Act.~~

The proposed reconfiguration of existing navigation aids in the El Segundo Dunes would adversely affect environmentally sensitive habitat and conflict with the allowable use test of Section 30240 of the Coastal Act. The 307-acre El Segundo Dunes is only a remnant of a once much larger dune ecosystem. However, it continues to support southern foredune, southern dune scrub, valley needlegrass grassland, disturbed dune scrub/foredune, and non-native grassland/ruderal plant communities. Also within the Dunes is a 203-acre Habitat Restoration Area (HRA) which includes approximately 150 acres of occupied coastal buckwheat habitat critical to the survival of the federally endangered El Segundo blue butterfly.

Approximately 1.5 acres of El Segundo Dunes ESHA will be affected by the construction of new navigation aids and their related support facilities. Of this area, 0.77 acres are located in the HRA, and within this area 0.24 acres of habitat occupied by the El Segundo blue butterfly would be affected. The FAA will provide mitigation for the 1.5-acre impact at a ratio of 2:1 and restore 3.0 acres of coastal dune habitat. Approximately 1.4 acres of El Segundo Dunes ESHA will be affected by the removal or burial of concrete pads that currently support navigation aids proposed for removal. The FAA will provide mitigation for the 1.4-acre impact on dune habitat from the removal or retention of these pads at a ratio of 2:1 and restore 2.8 acres of coastal dune habitat.

The FAA's submittal included the final *Los Angeles/El Segundo Dunes Habitat Restoration Plan*. Modifications and changes to the draft *Habitat Restoration Plan* made at the suggestion of the Commission staff satisfactorily resolved several coastal resource issues, and included

expanding the amount of mitigation acreage, improving the methodology for determining success of restoration activities, and expanding the area to be planted with coast buckwheat. With the successful implementation of the *Habitat Restoration Plan*, significant disruption of habitat values in the El Segundo Dunes ESHA will not occur. Further, with the proposed restoration of 5.8 acres of coastal dune habitat at Subsites 22 and 23 and at sites along the linear tracks of the abandoned navigation aids, the biological health of the dunes, and in particular coast buckwheat plants that support the endangered El Segundo blue butterfly, will be enhanced over present conditions.

The allowable use policy of Section 30240(a) states that within ESHAs, "only uses dependent on those resources shall be allowed within those areas." The El Segundo Dunes is designated as an environmentally sensitive habitat and the proposed reconfiguration of the existing navigation aids is not a type of land use or development that is dependent on these coastal dune resources. The proposed installation of the new navigation aids and associated roads is therefore not consistent with the allowable use test of Section 30240(a) of the Coastal Act. As a result, the FAA is asserting that the proposed project is consistent to "the maximum extent practicable" with Section 30240(a). This determination hinges on whether ". . . compliance is prohibited based upon the requirements of existing law applicable to the Federal agency's operations." In reviewing the FAA's references to federal statute, regulations, and FAA advisories, there is a basis in the federal statutes that compel LAWA to comply with the FAA advisories and standards for the design of runways and taxiways at LAX. The proposed realignment of the two runways in the north airfield at LAX would mandate the reconfiguration of the existing navigation aids in the El Segundo Dunes that support flight operations on those runways. The FAA has designed the reconfiguration project to minimize effects on environmentally sensitive habitat and will implement a habitat restoration plan that will restore and enhance coastal dune habitat prior to the start of project construction.

Thus, given the mandate for LAWA to comply with FAA standards for runway design, the FAA requirement to provide navigation aids for runway operations, a navigation aid reconfiguration plan that minimizes impacts to environmentally sensitive coastal dune habitat, and FAA's commitment to implement the *El Segundo Dunes Habitat Restoration Plan*, the FAA project is consistent to the maximum extent practicable with the environmentally sensitive habitat policy (Section 30240) of the Coastal Act.

The LAWA/FAA submittals summarize potential impacts to coastal zone water quality from proposed construction and operational developments at LAX. The proposed "Master Plan Commitment HWQ-1 – Conceptual Drainage Plan" is the primary vehicle for addressing, reducing, and mitigating potential water quality impacts from stormwater and dry-weather runoff into Santa Monica Bay or San Pedro Bay. While it is clear that LAWA intends to implement a wide-ranging suite of water quality protection measures in concert with its Alternative D projects, and that the FAA intends to implement BMPs for navigation aids construction in the El Segundo Dunes (which will be an element of the HWQ-1 plan), the foundation of the LAX water quality control program – the HWQ-1 drainage plan – has yet to be developed. At the present time there is insufficient detail on the measures that will be implemented as a part of LAWA's

Alternative D project to protect coastal water quality. As a result, the Commission is unable to determine whether the developments proposed under CC-061-04 are consistent with the water quality policies of the Coastal Act. To bring the proposed Alternative D project into consistency with Sections 30231 and 30232 of the Coastal Act, the Commission conditioned its concurrence with CC-061-04 to state that the project would be consistent with the CCMP if:

> As part of the Commission's phased federal consistency review of the proposed LAX Alternative D project, Los Angeles World Airports (LAWA) will submit to the Commission, prior to the commencement of construction of Alternative D project components, one or more consistency certifications for: (1) the final "HWQ-1 Drainage Plan" and its provisions for protecting coastal water quality . . . The future consistency certification(s) would be submitted to the Commission (under a schedule developed by Commission staff and LAWA personnel) when the drainage plan . . . [is] developed to a level of detail such that consistency with the California Coastal Management Program can be evaluated.

~~LAWA and the FAA have agreed as a part of this consistency certification and consistency determination to submit the draft and final versions of the HWQ-1 drainage plan to the Commission staff for its review and comment. With this commitment, and in conjunction with the water quality protection commitments contained in the consistency certification and consistency determination, the project is consistent with the water quality protection policies (Sections 30231 and 30232) of the Coastal Act.~~

Existing coastal access routes in the immediate project area would be maintained and proposed developments at LAX outside the coastal zone would not affect existing coastal access and recreational facilities at nearby Vista del Mar Park, Dockweiler State Beach, the South Bay Bike Trail, and along surface streets providing access to and along the shoreline. The current alignment of Pershing Drive would not be affected and vehicle, bicycle, and pedestrian access along Pershing Drive would remain unchanged. The proposed employee parking structure at the west end of the airport would increase the number of vehicles using Pershing Drive, which is a vehicle and bicycle route inland of and parallel to the shoreline and which provides access to the coastal zone. LAWA's submittal outlines the numerous street and intersection improvements and the public transportation enhancements that would be implemented to mitigate potential adverse traffic impacts generated by the parking facility.

A number of uncertainties complicate accurately predicting impacts to coastal access, including development inland of the coastal zone, and a facilities construction schedule that extends through the year 2014. The Commission has no control over future increases in traffic volumes on major surface arterials providing access to the coast in this area as a result of: (1) other traffic-generating projects in the LAX area that could be developed over the next ten years; (2) the growth in LAX-related traffic that would occur under a No Action/No Project alternative; or (3) the outcome of inexorable population and economic growth in the region with its concurrent increase in vehicle trips in the LAX area. Based on the available information and commitments made at this time, as it is implemented over the next ten years in conjunction with the

aforementioned surface transportation measures, the project will not adversely impact coastal access routes in the areas adjacent to LAX significantly beyond that which can be reasonably expected to occur in this area absent the proposed project. In addition, the proposed reconfiguration of and improvements to the navigation aids system located in the El Segundo Dunes will not affect public access to and along this section of the coastal zone. The project is therefore consistent with the public access policies (Sections 30210, 30211, 30212, 30214, and 30252) of the Coastal Act.

The only element of the Alternative D project that could be visible from the coastal zone is the proposed four-story employee parking garage southeast of the intersection of Pershing Drive and World Way West. However, this facility would only be visible from Pershing Drive and would not be visible from coastal recreational areas at Dockweiler State Beach, Vista del Mar Park, and the South Bay Bike Trail. The view eastward from Pershing Drive across the western end of the LAX complex would not be significantly altered by the parking garage, whose presence would be consistent with the existing aviation-related development in this area. The visibility of the reconfigured navigation aids from coastal zone vantage points is minimal, would be similar in nature to the existing aids, and would not adversely affect coastal views to or along the shoreline from points west of the El Segundo Dunes. Therefore, the proposed project is consistent with the visual resource policy (Section 30251) of the Coastal Act.

LAWA's and FAA's submittals include a commitment that in the event that previously unidentified cultural, archaeological, and/or paleontological resources are discovered during construction activities, implementation of mitigation measures described in their respective submittals and in the Final EIS/EIR for the projects would eliminate the potential for adverse impacts to these resources. Mitigation measures address cultural resource discovery, monitoring, excavation and recovery, administration, reporting, curation, and notification. Additional mitigation measures address paleontological resource discovery, monitoring, collection, and reporting. With these measures, the proposed project would not adversely affect cultural resources, and the projects are consistent with the cultural resource policy (Section 30244) of the Coastal Act.

STAFF NOTE/PROCEDURES:

In this combined staff report and recommendation, the Commission is reviewing both a consistency certification (CC-061-04) submitted by Los Angeles World Airports (LAWA) and a consistency determination (CD-062-04) submitted by the Federal Aviation Administration (FAA) for proposed development at Los Angeles International Airport (LAX)(**Exhibits 1-3**). The consistency certification was prepared by LAWA to evaluate the consistency of its proposed development projects at LAX inland of the coastal zone with the California Coastal Management Program (CCMP)(**Exhibits 4 and 5**). The consistency determination was prepared by the FAA to evaluate whether its proposed reconfiguration of navigation aids located in the coastal zone within the El Segundo Dunes is consistent (to the maximum extent practicable) with the CCMP (**Exhibits 4 and 5**). Because LAWA is not proposing – at this time – any development within

the coastal zone, there are no coastal development permit applications currently before the Commission. However, LAWA expects to submit at a future date one or more coastal development permit applications to the Commission for projects within the El Segundo Dunes. These projects will serve as mitigation for development impacts to sensitive habitat located inland of the coastal zone within the western airfield area at LAX.

Because the projects covered in the two submittals are interconnected, the Commission staff determined that a single staff report would more clearly and efficiently describe the overall LAX redevelopment plan and the LAWA and FAA projects. This staff report contains a separate motion, recommendation, and resolution for the consistency certification and consistency determination, and the Commission will need to act separately on each submittal and in the order provided. Due to statutory time restrictions, the Commission must act on the FAA consistency determination at the November 2004 meeting, or the submittal will be "deemed concurred" as of November 20, 2004 (unless the FAA extends the time deadline). The Commission is not required to act on the LAWA consistency certification at this meeting, and could postpone action until the January 2005 meeting given that the six-month review period extends to February 10, 2005. However, the Commission staff is recommending that the Commission act on both items together (i.e., at the November 2004 meeting).

Even though the proposed reconfiguration of the existing navigation aids is not scheduled for construction until the year 2012, the FAA seeks Commission action now to enable the FAA to complete its Environmental Impact Statement and sign a Record of Decision for the overall LAX redevelopment project. Given this requirement, the FAA, LAWA, and Commission staff agreed that it was in the public interest to act on the LAWA consistency certification at the same time as the consistency determination. This decision was reached notwithstanding the fact that the north airfield runway realignment (which triggers the need for reconfiguration of the navigation aids) is also not scheduled for construction until the year 2012. The Commission staff notes that while it is rare for the Commission to act on a federal consistency determination and/or certification for an action eight years in the future, it is not unprecedented or out of the realm of airport planning time frames.

In this regard, the staff notes that should the proposed projects change in a significant manner in the time period up to the year 2012, a revised consistency determination and/or certification would need to be submitted to the Commission by the FAA and LAWA, respectively. Similarly, should there be a substantial modification to the environmentally sensitive habitats in the El Segundo Dunes in the time period leading up to 2012, the Commission has the ability, under the federal consistency regulations (15 CFR Section 930.46 (consistency determination) and Section 930.66 (consistency certification)), to re-open the subject consistency determination and/or certification in order to determine whether the projects remain consistent with the CCMP.

In addition, s~~S~~hould there be changes in navigation aid technology during the time period up to the year 2012 that would eliminate the need to install navigation aids in the El Segundo Dunes, or that would provide for a modified navigation aid plan that creates fewer adverse effects to coastal dune habitat, the Commission would have the ability under the same federal consistency

regulations cited above to re-open its concurrence in order to determine whether the project can feasibly be modified to use new technologies and/or systems in order to further reduce the adverse effects to coastal dune habitat. The Commission also has the ability under the federal consistency regulations (15 CFR Section 930.45 (consistency determination) and Section 930.65 (consistency certification)) to re-open a previous concurrence – after project construction commences – should it determine that impacts to coastal resources from a project are substantially different from those expected at the time of concurrence. Finally, the Commission has conditioned its concurrence with the LAWA consistency certification to state that with a phased review of Alternative D, the project would be consistent with the CCMP if LAWA submits to the Commission, prior to the commencement of construction of Alternative D project components, one or more consistency certifications for the final "HWQ-1 Drainage Plan" and for development projects in existing habitat outside the coastal zone that could affect resources of the coastal zone.

STAFF SUMMARY AND RECOMMENDATION:

I. Project Background.

The vast majority of Los Angeles International Airport (LAX) is located inland of the coastal zone boundary, which parallels Pershing Drive; only the El Segundo Dunes portion of LAX, located west of Pershing Drive, is situated within the coastal zone (**Exhibits 4 and 5**). The only component of the LAX facilities improvements program that would be located within the coastal zone is the reconfiguration of navigation aids currently located in the El Segundo Dunes at the western end of the northern airfield runways. This component is a Federal Aviation Administration (FAA) project and the subject of CD-062-04. The larger LAX improvements program is sponsored by Los Angeles World Airports (LAWA), an agency of the City of Los Angeles, and is the subject of CC-061-04. (LAWA would also submit coastal development permit applications to the Commission at a future date for any mitigation projects that would occur within the coastal zone in the El Segundo Dunes. These projects would mitigate impacts from LAX redevelopment projects which would affect environmentally sensitive habitat at sites within the western LAX airfield area, but inland of the coastal zone boundary.)

LAWA's consistency certification provides a summary history of the currently proposed LAX redevelopment project, also known as Alternative D:

> *The planning for, and evaluation of, improvements proposed for Los Angeles International Airport (LAX) have been underway for approximately a decade. This work effort occurred within the context of formulating a Master Plan for the future of LAX, specifically at the year 2015. Three "build" alternatives - Alternatives A, B, and C - for the LAX Master Plan, and a "no build" alternative - the No Action/No Project Alternative - were addressed in a Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) published in January 2001. In response to the terrorist attacks that occurred on September 11, 2001, the newly elected Mayor of Los Angeles directed the Los Angeles Board of Airport*

> *Commissioners to develop a new fifth alternative for the LAX Master Plan that, consistent with public comment calling for a regional approach alternative, would accommodate passenger and cargo activity levels at LAX that would approximate those of the No Action/No Project Alternative, have fewer environmental impacts than the No Action/No Project Alternative and would be designed to enhance airport safety and security. That fifth alternative - Alternative D, the Enhanced Safety and Security Plan - was developed in consultation with LAWA staff and the FAA, and was addressed in the Supplement to the Draft EIS/EIR published in July 2003. Alternative D represents LAWA's staff-preferred alternative, as presented of the Final EIR published in April 2004.*

Exhibit 6 shows the existing (1997) layout at LAX, and **Exhibit 7** illustrates the proposed "*Alternative D - 2015 Enhanced Safety and Security Plan*" layout for LAX.

On May 10, 2004, representatives from FAA, LAWA, and Commission staff discussed the proposed project and the applicable federal consistency review requirements; all parties agreed that the appropriate review mechanism would be a consistency certification from LAWA to examine potential effects on the coastal zone from Alternative D, and a consistency determination from the FAA to examine potential effects on the coastal zone from the navigation aids reconfiguration project. LAWA reported that the Final EIR for the project was published in April 2004, and both agencies expected that the City of Los Angeles Planning Commission, Airport Commission, and City Council would take action on the proposed Alternative D project by the end of September 2004. FAA stated at that time that should the City complete its reviews and the Coastal Commission take action on the FAA consistency determination, the FAA hoped to then publish a Record of Decision and the Final EIS for the project in November 2004.

In June 2004, the City Planning and Airport Commissions voted to approve Alternative D and at the same time voted to approve a "specific plan" proposal that splits the Alternative D project into two phases. The first phase includes relocating the south airfield runways, a consolidated rental car facility, an elevated tram, a transportation center to link the tram with the existing light-rail Green Line, an employee parking facility, and additional gates at the international terminal. The second phase includes a remote passenger check-in facility, demolition of three passenger terminals on the airport's north side and parking garages in the central terminal area, construction of a new north terminal, relocation of the north airfield runways, and reconfiguration of the western navigation aids serving those runways. An oversight panel, airport commissioners, and the City Council would review the second-phase projects after additional security, noise, traffic, and air pollution studies are completed. The June 2004 approvals by the City Planning and Airport Commissions allowed the Alternative D project to next go before the Los Angeles County Airport Land Use Commission and, subsequently, the Los Angeles City Council.

On August 25, 2004, the County Airport Land Use Commission ruled that the Alternative D plan was inconsistent with the County's 1991 land use plan, because it would expose nearby communities to more noise and safety risks than allowed under the land use plan. The immediate effects of that action were two-fold: (1) the proposed Alternative D project would

need to receive a two-thirds vote of the Los Angeles City Council to be approved, rather than a simple majority of the 15-member Council; and (2) final City Council action on Alternative D would be delayed due to a requirement that the Council notify the County 45 days in advance that it planned to override the Land Use Commission's decision. The City of Los Angeles City Council Planning and Land Use Management Committee and the Commerce Committee approved the Alternative D plan on October 6 and October 7, 2004, respectively. The full Los Angeles City Council approved the Alternative D plan on October 20 by a 12 to 3 vote. The final vote by the City Council is scheduled for December 7, which complies with the aforementioned 45-day notice requirement to the County Airport Land Use Commission (**Exhibit 8**).

II. Project Description.

This section of the report will review the primary purpose of the proposed LAX project; examine the current conditions of runways, taxiways, and navigation aids at LAX; review applicable federal statutes and Federal Aviation Administration regulations regarding the design and function of runways, taxiways, and navigation aids; and describe the proposed improvements and modifications to runways, taxiways, and navigation aids at LAX. This review is necessary in order to understand: (1) the reasons for the proposed reconfiguration of navigation aids in the coastal zone (the subject of the consistency determination by the FAA); (2) how that project element is necessary due to the proposed modifications to the two runways in the north airfield at LAX; (3) how those modifications were developed from the goal of improving safety and efficiency of aircraft operations at LAX (the subject of the consistency certification by LAWA); and (4) the basis for the FAA's assertion as to how its proposed project is consistent "to the maximum extent practicable" with the California Coastal Management Program.

A. Purpose. The vast majority of the improvements proposed for LAX under the proposed Alternative D would occur outside the coastal zone, as noted above in Section I and as illustrated in **Exhibits 5 and 7**. The only existing development within the coastal zone on LAX property is Pershing Drive, existing navigational aids and associated service roads in the El Segundo Dunes, and abandoned roadways that served residential structures formerly located within the Dunes (**Exhibits 4 and 5**). The proposed LAX improvement and modification plan presented in Alternative D is designed to expand and modernize terminal and parking facilities to address the passenger and cargo growth which has occurred at LAX since completion of its last major improvement project in 1984, and to improve safety and efficiency of aircraft operations at LAX by realigning runways and taxiways on the north and south airfields.

The Final LAX Master Plan (April 2004) states that:

> *Alternative D would be designed to serve 78 million annual passengers (MAP), the level of passenger activity identified by Southern California Association of Governments (SCAG) for LAX in the 2001 Regional Transportation Plan (RTP). Alternative D would encourage the development and use of regional airports to serve local demand by constraining the facility capacity at LAX to approximately the same aviation activity levels identified in the No*

Action/No Project Alternative. In the short-term LAX would continue to serve as the region's predominant international airport for passenger and cargo operations due to the specialized facilities developed over time to serve these functions.

B. Existing Conditions at LAX.

1. Aircraft. The consistency determination first reviews the type of aircraft that currently operate at LAX:

Airplanes operating at LAX today are much larger than the airplanes in service at the time of its current design. The existing airfield at LAX was originally designed to serve the first commercial passenger jet aircraft, such as the Boeing 707 and Douglas DC-8. The wingspans of these aircraft are 131 feet and 143 feet, respectively. In its role as an international gateway, LAX became one of the first airports served by the original Boeing 747 and its current successor, the 747-400. The wingspans of these aircraft range from 195 to 231 feet. Larger aircraft, with wingspans ranging between 223 and 232 feet, also occasionally use LAX. Thus, the current runway separations do not allow the two pairs of parallel runways to operate independently from one another [emphasis added].

2. Runways. Next, the consistency determination reports that the existing layout of runways at LAX contributes to safety hazards and operational inefficiencies:

The existing airfield requires landing aircraft to exit the outboard runways onto high-speed taxiways that provide an unimpeded route to a neighboring parallel runway on which simultaneous aircraft departures are occurring. The existing airfield has four full-length taxiways providing east-west routes for aircraft to maneuver on the airfield, none of which are between either pair of runways.

According to the LAX Master Plan EIS/EIR, the number and configuration of the existing four runways are inadequate to serve current and projected demand. Only one of the four runways (Runway 25R on the south airfield) is sufficiently long to serve the largest aircraft when fully loaded during adverse weather conditions (hot days with little wind). Aircraft departing from gates in the north airfield often need to use Runway 25R and endure long taxi distance with significant airfield congestion along the way. The difference in runway lengths between the north and south airfield complexes creates an imbalance in operations by preventing air traffic from being evenly distributed.

The north pair of runways (Runways 24L/6R and 24R/6L) has a separation distance of 700 feet between the two runways, and the south pair of runways (Runways 25L/7R and 25R/7L) has a runway separation distance of 750 feet. These runway separations do not meet current FAA design standards so, to operate safely, FAA requires that each pair be operated dependently, with greater aircraft separations and hold times to allow safety margins for weather and wake turbulence. This dependent operation reduces the number of planes that can use the runways at any given time and thus limits the airfield capacity. The runways are

currently too closely spaced to allow center taxiways so aircraft can clear the runways sooner. Therefore, following aircraft are prohibited from landing at shorter intervals, and airfield congestion and risk of runway incursions increases. A runway incursion is defined by the FAA as any occurrence in the airport runway environment involving an aircraft, vehicle, person, or object on the ground that creates a collision hazard or results in a loss of required separation with an aircraft taking off, intending to take off, landing, or intending to land. [emphasis added]

3. Taxiways. The current system of taxiways at LAX is then reviewed:

The taxiway system, another key component to airfield operations and a factor in determining airfield safety and efficiency, provides the link between runways and the terminal gates. At busy airports, the airport throughput capacity, to a large degree, is a function of how efficiently the taxiway system permits the flow of aircraft movement between the runways and the terminal gates. Two critical operational factors must be considered in determining taxiway system requirements: aircraft size and the level of aircraft demand throughout the day.

As discussed in Chapter 3 of the Draft LAX Master Plan, as airport activity increases, taxilane and taxiway congestion will worsen. Based on the design of the existing taxiway system, when departure queues occupy the outer taxiway in the terminal area, the flow to and from concourses on the north and south complexes is limited to a single taxiway. In addition, single cul-de-sac taxilanes between adjacent terminals limit flow to a single direction at all times. Aircraft that push-back to the inner taxiway block other aircraft traveling along the taxiway. These design and operational conditions cause congestion, especially during peak periods on the south complex, when arrivals and departures are taxiing to and from their gates simultaneously.

The existing taxiway system at LAX can accommodate FAA Aircraft Design Group V, with some restrictions. Design Group V includes aircraft with a wingspan up to 213 feet and includes the Boeing 747-400, the largest aircraft currently operating at the airport.

As activity increases at LAX and a greater proportion of the fleet becomes Design Group V aircraft, the potential for taxiway congestion will increase due to . . . existing taxiway and taxilane restrictions (e.g., impaired wing clearance, aircraft size restrictions, insufficient clearance between aircraft and ground vehicles, insufficient distance between runway centerline and parallel taxiway centerline) . . . Heavy aircraft are expected to make up over 30 percent of operations in the 2015 design day schedule and over 40 percent of operations in the peak hour in 2015. Future design of the taxiway/taxilane system and terminal area can eliminate these restrictions.

4. Navigation Aids. The existing system of navigation aids at LAX is next examined in the consistency determination:

The ALS [Approach Lighting System] *is a standard configuration of aeronautical ground lights in the approach area to the runway that provides the basic means to transition from instrument flight to visual flight for landing. Operational requirements dictate the sophistication and configuration of the approach light system for a particular runway. As part of an precision instrument runway such as Runway 6R, the ALS is a configuration of signal lights starting at the landing threshold and extending into the approach area along the extended runway centerline to a distance of 2,400 feet and includes sequenced flashing lights which appear to the pilot as a ball of light traveling towards the runway at high speed.*

. . .

According to Chapter 3 of the Draft LAX Master Plan, the existing approach lighting systems for LAX's runways provide high lighting intensity for all four west and east flow runways. The approach lighting system on the principal west flow runways, 24R and 25L, is ALSF-2, which is an advanced, high intensity lighting system. All runways, with the exception of 24L/6R, have runway centerline lights. Runways 24R and 25L, the primary arrival runways in west flow, and 7L, one of two primary arrival runways in east flow, also have touch down zone lighting. All runways at LAX also use a precision approach system called the Instrument Landing System (ILS). The ILS's electronic components consist of radio transmitters that guide the aircrafts' alignment with the runway (localizer), descent to the runway (glide slope), and distance from the runway (marker beacon).

Currently, Runway 6R, the runway where proposed NAVAID and ILS realignment would occur within the Los Angeles/El Segundo Dunes and the coastal zone, is equipped with a Category-I ILS and a Medium Intensity Approach Light System with Runway Alignment Indicator Lights (MALSR). The Category-I ILS provides electronic vertical and horizontal guidance with cloud ceiling and visibility approach minimums as low as 200 feet above Runway 6R's touchdown zone elevation and 1,800 feet visibility as reported by Runway Visual Range equipment (RVR). The MASLR ALS is an integral part of the Category-I ILS. When the MASLR is inoperative, the horizontal RVR visibility minimums increase to 4,000 feet. For safety considerations when these higher visibility minimums are in effect, the runway may not be available for landing during meteorological conditions having periods of reduced visibility. Periodic meteorological conditions at LAX during certain times of the year mandates a better ALS [Approach Lighting System].

5. <u>Runway Incursions</u>. The problem of runway incursions is the final topic addressed regarding existing LAX conditions that support the need for airfield modifications and the resulting changes to the navigation aid system:

Another consideration incorporated into the design of the taxiway system proposed under Alternative D is minimizing risks associated with runway incursions. In June 2002, FAA published a study entitled, "FAA Runway Safety Report: Runway Incursion Trends at Towered Airports in the United States – CY 1998-CY 2001." This report identified a total of

1,460 runway incursions out of 268 million airport operations in the U.S. that resulted in three collision and four fatalities over the four years studied. LAX experienced 38 total runway incursions during the period of the FAA study and had an average rate of occurrence of 1.24 incursions per 100,000 operations. Annual runway incursions at LAX totaled 12, 10, 8 and 8, respectively, for the years of 1998 through 2001. The annual rates of runway incursions for the same period marked 1.55, 1.28, 1.02 and 1.08 per 100,000 operations, respectively.

In July 2003, the FAA published the updated Runway Safety Report, which, unlike the pervious version, compiled the data on a fiscal-year basis. This FAA Runway Safety Report reflects the runway incursion trends for fiscal years 1999 through 2002. The report indicates that the annual runway incursions at LAX totaled 9, 10, 9 and 6, respectively, over the four years studied. The rate of runway incursions at LAX for the same period marked 1.17, 1.28, 1.15 and 0.94 per 100,000 operations, respectively. It is important to note that the discrepancies in the annual runway incursion figures between the 2003 report and the 2002 report resulted because two different measurements were used in compiling data (i.e., fiscal year vs. calendar year).

For comparison purposes, annual incursion rates (per 100,000 operations), over the same five-year period for the Atlanta Hartsfield, Dallas Fort Worth, and Phoenix Sky Harbor Airports are indicated below:

Annual Incursion Rates Per 100,000 Operations				
	Los Angeles International (LAX)	**Atlanta Hartsfield (ATL)**	**Dallas Ft. Worth (DFW)**	**Phoenix Sky Harbor (PHX)**
1998	1.55	0.24	0.54	1.32
1999	1.17-1.28 (1)	0.66	0.81	0.53
2000	1.02-1.28(1)	0.33	0.35	0.94
2001	1.08-1.15(1)	0	0.75	1.65
2002	0.94	0.45	0	1.04

Note: (1) Range includes both calendar-year and fiscal-year data from the three-year period common to both reports references above.

Of these three airports, ATL is the most similar to LAX in terms of operational characteristics, including runway layout and the volume of annual operations. During the same period of time, LAX had four times the average rate of occurrence of runway incursions than ATL, although LAX had approximately 20 percent fewer operations than ATL. LAX ranked first throughout the United States as the airport that had the greatest number of runway incursions during the four-year period (CY1998-CY2001), a total of 38 incursions. LAX was followed by North Las Vegas Airport with 32 incursions, and St. Louis-Lambert International with 31 incursions.

FAA also classifies runway incursions by their relative severity. The highest severity is given to an incursion in which extreme action is needed to avoid a collision or if a collision

occurs. Five of the 38 runway incursions at LAX during the period of the 2002 FAA report were in this category; none of the five resulted in a collision.

One of FAA's goals is to raise awareness of runway incursions, identify solutions, and implement strategies to reduce their severity, frequency, and the risk of a runway collision. Airport surface radar technology and airport infrastructure implementation at key airports like LAX are some of the strategies identified by FAA to help solve the problem. LAWA has already implemented improvements to airfield lighting, taxiway marking, runway signage, and has sponsored on-going seminars on airfield familiarization with airport users. However, more improvement is needed.

Because FAA airport design standards have changed over time, certain features of the existing airfield do not meet current standards. These conditions are documented under Federal Aviation Regulations Part 139, available through LAWA. While these conditions do not create an unsafe airfield environment, they do add to airfield congestion as operations increase by imposing slower taxi speeds, which result in an increase in air pollution and aircraft delay. Improvements to runways and terminals at LAX would increase taxiway separations to meet current FAA design standards, as explained in FAA Advisory Circular 150/5300-13, Airport Design. Without the improvements to LAX, airfield safety would not be enhanced, and efficiency of the airfield would not be increased [emphasis added].

C. FAA Regulations and Advisories. The FAA has adopted numerous regulations, advisories, and standards for airport runway and taxiway design, and for the placement, alignment, and configuration of associated navigation aids. These FAA standards exist in the context of the following federal laws and regulations:

United States Code Title 49, Chapter 447, Section 44701 (General requirements) states in part that:

> *(c) Reducing and eliminating accidents. The Administrator shall carry out this chapter in a way that best tends to reduce or eliminate the possibility or recurrence of accidents in air transportation. However, the Administrator is not required to give preference either to air transportation or to other air commerce in carrying out this chapter.*

United States Code Title 49, Chapter 447, Section 44706 (Airport operating certificates) states in part that:

> *(a) General. The Administrator of the Federal Aviation Administration shall issue an airport operating certificate to a person desiring to operate an airport . . .*
>
> *(b) Terms. An airport operating certificate issued under this section shall contain terms necessary to ensure safety in air transportation . . . .*

The Code of Federal Regulations provides in Title 14 (Federal Aviation Administration), Part 139 (Certification and Operations: Land Airports Serving Certain Air Carriers) the following:

Subpart A – General. Section 139.5. Standards and procedures for compliance with the certification and operations requirements of this part.

Certain requirements prescribed by subparts C and D of this part must be complied with in a manner acceptable to the Administrator. FAA Advisory Circulars contain standards and procedures that are acceptable to the Administrator for compliance with subparts C and D. Some of these advisory circulars are referenced in specific sections of this part. The standards and procedures in them, or other standards and procedures approved by the Administrator, may be used to comply with those sections.

Subpart D – Operations. Section 139.305(c). Paved areas.

FAA Advisory Circulars in the 150 series contain standards and procedures for the maintenance and configuration of paved areas [i.e., runway, taxiway, loading ramp, parking area] which are acceptable to the Administrator.

The FAA's consistency determination provides the following discussion:

The FAA provides standards for runway, taxiway, and taxilane design, including length, width, separation, radius of turns, layout, and pavement material composition. These standards are published in FAA Advisory Circular 150/5300-13, Airport Design, and are intended to provide for a high degree of safety in any setting. For the most part, the current design and operation of LAX are responsive to FAA Airport Design Standards. However, the size of today's larger aircraft has resulted in the need to employ some special procedures for such aircraft to operate safely on the ground in areas that were originally designed for smaller aircraft.

Current design standards regarding the placement, alignment and configuration of Approach Lighting System (ALS) is prescribed in the FAA Advisory Circular 150/5300-13, Airport Design, Paragraph 605, FAA Order 6850.2A, Change 1, Visual Guidance Lighting Systems and International Civil Aviation Organization's (ICAO) Annex 14, Aerodromes, Volume 1, Aerodromes Design and Operations, paragraph 5.2.3.10. All FAA and ICAO references indicate that the ALS shall be aligned on and about the extended runway centerline.

There are no published guidelines or allowances for modifications to these design standards.

As discussed in Section 4.24.3, Safety in the Final EIS/EIR, the requirements included in the Airport Design Standards are based on the requirements for safe aircraft takeoff, landing,

and ground movement. These requirements have evolved as experience and research have increased FAA's understanding of what is necessary to enhance aviation safety. FAA Airport Design Standards include safety compatibility criteria to which airports must conform. The basic objective of safety compatibility criteria is to minimize the risk associated with potential aircraft accidents. In addition to designation of runway safety areas, FAA provides standards for runway, taxiway, and taxilane design, including length, width, separation, radius of turns, layout, and pavement material composition.

LAX was built prior to the establishment of the FAA's current design standards for airports serving large commercial jets. For this reason, not all of the safety areas and safety zones surrounding the four LAX runways universally meet today's recommended dimensions for new airport development.

FAA has established a mechanism for allowing existing airports to continue operating unimpeded through the declaration of safe aircraft operating parameters known as "declared distances." Guidance on the application of this methodology is contained in FAA Advisory Circular 150/5300-13, Airport Design. Appendix 14 of this Advisory Circular states, "The use of declared distances for airport design shall be limited to cases of existing constrained airports where it is impracticable to provide the runway safety area (RSA), the runway object free area (ROFA), or the runway protection zone (RPZ) in accordance with the design standards in Chapters 2 and 3 [of Advisory Circular 150/5300-13]."

. . .

Navigational aid and instrument land system placement is governed by the FAA through Advisory Circular 150/5300-13, Airport Design, FAA Order 6820.2A, Visual Guidance Lighting Systems, and ICAO Annex 14, Volume 1, Aerodromes Design and Operations. Based on the proposed reconfiguration of runways and taxiways under Alternative D of the LAX Master Plan, to maintain airfield and aircraft safety, associated NAVAIDS and ILS components would need to be realigned pursuant to the mandates contained in FAA's Advisory Circular and Executive Orders. [emphasis added]

As discussed above and in Chapter 3 of the LAX Master Plan and Section 4.14, Coastal Zone Management and Coastal Barriers of the LAX Master Plan EIS/EIR, FAA's Advisory Circular 150/5300-13, Airport Design, FAA Order 6820.2A, Visual Guidance Lighting Systems, and ICAO Annex 14, Volume 1, Aerodromes Design and Operations, govern the placement of NAVAID and ILS components relative to runway centerlines.

D. Proposed Airfield and Navigation Aids Development. The consistency certification, consistency determination, and related EIS and EIR documents provide detailed information on all aspects of the proposed Alternative D development at LAX. In terms of coastal zone impacts, the Commission is focused primarily on potential coastal zone effects from proposed modifications to the two north airfield runways: Runway 24R/6L (the northernmost, or outboard, runway) and Runway 24L/6R (the inboard runway), and the reconfiguration of their associated navigation aids located to the west in the El Segundo Dunes. In brief, Runway 24R/6L would be

extended to the west by 1,495 feet, and Runway 24L/6R would be relocated to the south by 340 feet, extended to the east by 1,280 feet, and extended to the west by 135 feet (**Exhibits 6 and 7**).

The following information from the FAA's consistency determination further examines the proposed runway and taxiway improvements:

> *Enhanced airfield safety would be achieved through airfield facility modifications that would mitigate the primary causes of runway incursions at LAX. In addition, airfield improvements would be made to enable the existing runway systems to better accommodate aircraft operations and meet FAA standards. The number of runways would remain the same at four. Two existing runways would be moved - one by approximately 50 feet* [Runway 25L/7R, the outboard runway on the south airfield] *and the other by approximately 340 feet* [Runway 24L/6R, the inboard runway on the north airfield], *two runways would be lengthened - one by approximately 1,400 feet* [Runway 24L/6R] *and the other by approximately 1,500 feet* [Runway 24R/6L, the outboard runway on the north airfield], *and all runways would be further separated from one another to improve operational efficiency and safety.*
>
> . . .
>
> *Under Alternative D, the existing runways would be upgraded and relocated; no new runways would be added. Alternative D would maintain the existing four-runway system with modifications to the two north and south airfield runways. Taxiways would be designed to accommodate the Boeing 747-400 as the design aircraft (Group V) with operational and modified Group VI solutions for the operation of anticipated limited numbers of the New Large Aircraft (NLA). In addition, all existing runway ends would be redesigned to have Runway Safety Areas (RSAs) that meet current FAA standards of 1,000 feet long by 500 feet wide.*
>
> *As discussed in Section 4.24.3, Safety of the EIS/EIR, LAX was built prior to the establishment of the FAA's current design standards for airports serving large commercial jets. For this reason, not all of the safety areas and safety zones surrounding the four LAX runways universally meet today's recommended dimensions for new airport development.*
>
> *Under Alternative D, in the north airfield, Runway 6L/24R would have a physical pavement length of 10,420 feet. The west end of the runway would have a 1,000-foot displaced threshold in order to provide the recommended 1,000-foot Runway Safety Area (RSA). A 500-foot clearway would extend off of the west end of the runway, increasing Take-Off Distance Available (TODA) for Runway 24R, while a 1,000-foot clearway would extend from the east end, increasing TODA for aircraft departing Runway 6L.*
>
> *Also in the north airfield, Runway 6R/24L would have a physical pavement length of 11,700 feet. Both runway ends would have displaced thresholds of 1,000 feet to accommodate the recommended 1,000-foot RSA. A 300-foot clearway would extend from the west end of the runway increasing TODA for Runway 24L to 12,000 feet.*

. . .

As described in the LAX Master Plan Final EIR's Topical Response TR-SAF-1, Aviation Safety, under Alternative D, all modified runways would satisfy FAA airport design standards and increase the operational efficiency of the airfield. The proposed improvements described in Chapter 3, Alternatives, of the EIS/EIR would increase runway and taxiway separations for larger aircraft by adding parallel taxiways between runways, and by increasing safety areas to meet current FAA standards. These changes would reduce air traffic controller workload and the associated risk of runway incursions, as well as reduce the risk of aircraft damage in the event of a runway overrun.

In addition to the proposed parallel taxiway between each pair of runways, the existing Taxiway D, which is located north of existing Terminals 1, 2 and 3, would be extended to the west boundary of the airfield increasing available east-west taxi routes to taxiing aircraft. The airfield improvements would increase the number of available east-west taxi routes at LAX from four to at least seven. Each improved or proposed taxiway would be constructed to meet current FAA airfield design standards for wide-body aircraft, thus enhancing access to contact gates designed specifically for wide-body aircraft and eliminating the need to bus passengers across the airfield to remote aircraft hardstands for boarding.

After describing the proposed runway and taxiway improvements, the FAA's consistency determination next examines the resulting need for reconfiguring the navigation aids at the western end of the two north airfield runways (**Exhibits 9-15**):

Alternative D would require changes to navigation aids for Runway 6R within the coastal zone and the Los Angeles/El Segundo Dunes. As part of a planned upgrade of the Runway 6R ILS to Category-II capabilities, the existing MALSR [Medium Intensity Approach Lighting System] *will be upgraded to a High-Intensity ALS with Sequenced Flashers (ALSF-2). The primary differences between the MALSR and ALSF-2 are the number and separation of lights situated along the approach path to the runway end. Both systems extend 2,400 feet beyond the landing threshold and are centered symmetrically about the extended runway centerline.*

. . .

The northernmost runway, Runway 24R/6L is proposed to be extended westerly by approximately 1,495 feet, which in turn would require that the existing navigational aids, specifically the instrument landing light system be shifted to the west as well. The type of landing light system to be utilized is referred to as the Approach Lighting System (Flashing)-2 (ALSF-2) . . . The proposed ALSF-2 lighting system would decrease the spacing between lights by increasing the number of lights used to aid pilots in identifying the airport. The number of lights would increase from 15 to 23, and the existing spacing would decrease from 200 feet to 100 feet between each light. The lights would be directed up to approaching aircraft, and the extra lighting would be used during low visibility Santa Ana conditions (strong easterly winds) and at night when planes are approaching LAX from the

> *west. During normal operations only one-half of the lights would be illuminated. To the extent possible, subject to FAA requirements and approval, the ALSF modifications associated with the extension of Runway 24R/6L would occur at, or adjacent to, the pad areas of the existing system to reduce disturbance impacts within the coastal zone. This would also be the case relative to using the access road adjacent to the existing land light system that currently serves Runway 24R/6L. In addition to the aforementioned land light system improvements, the existing Localizer Antenna (i.e., an antenna that emits an electronic signal used for precise instrument landings during inclement weather, such as periods of heavy fog common to coastal areas such as at LAX) for Runway 24R/6L would be relocated to position within the extension of land light system.*
>
> *Under Alternative D, existing Runway 24L/6R would be relocated southward by approximately 340 feet and extended east by approximately 1,280 feet and west by approximately 135 feet. As a result of the southward relocation of Runway 24L/6R the alignment and locations of the existing runway light system serving the runway would also need to be shifted to the south. In addition, the existing Localizer Antenna for Runway 24L/6R would also need to be relocated to the south . . . much of the relocated navigational aid system would occur at, or near, existing roads, which would reduce potential disturbance impacts within the coastal zone.*

One additional element of the proposed Alternative D project that could potentially affect the coastal zone is a four-story, 12,400-stall employee parking structure located inland of the coastal zone at the western end of the airport, southeast of the intersection of Pershing Drive and World Way West.

The proposed Alternative D does **not** include any provisions for development in the northern 104 acres of the El Segundo Dunes, the area north of the 203-acre Habitat Restoration Area (other than the aforementioned reconfigured navigation aids). An ordinance adopted by the City of Los Angeles in 1992 (No. 167,940) provided for a public golf course and related facilities in this northern area. However, an ordinance adopted by the City in 1994 (No. 169,767) stated that development in the northern area:

> *. . . shall be limited to a nature preserve and accessory uses only. Accessory uses may include but are not limited to: a nature center, environmental education center or local history display center. Development, including buildings and parking areas shall not exceed 5,000 SF in size or 18 feet in height. Any use of the property, including guided tours shall require a Conditional Use Permit from the City Planning Commission before obtaining any approvals.*

In addition, both the consistency certification from LAWA and the consistency determination from the FAA state that:

> *No hotels or golf course developments in the Dunes are proposed by, or allowed under, the LAX Master Plan.*

Lastly, the LAX Master Plan (April 2004) states that Alternative D would be implemented in three phases, with construction extending from 2004 through 2014 (**Exhibit 16**). The proposed modifications to the north airfield runways and the reconfiguration of the associated navigation aids in the El Segundo Dunes is currently scheduled for Phase 3 in the years 2012 through 2014. The parking structure is currently scheduled for Phase 1 in the years 2004 through 2005.

III. Status of Local Coastal Program. The standard of review for federal consistency certifications and consistency determinations is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) of the affected area. If the LCP has been certified by the Commission and incorporated into the California Coastal Management Program (CCMP), it can provide guidance in applying Chapter 3 policies in light of local circumstances. If the LCP has not been incorporated into the CCMP, it cannot be used to guide the Commission's decision, but it can be used as background information. The Los Angeles International Airport/El Segundo Dunes segment of the City of Los Angeles LCP has **not** been certified by the Commission and, therefore, is not applicable in the Commission's review of either the consistency certification or the consistency determination.

IV. Applicant's Consistency Certification. Los Angeles World Airports has certified that the proposed activity complies with California's approved coastal management program and will be conducted in a manner consistent with such program.

V. Applicable Legal Authorities.

15 CFR § 930.4 of the CZMA Federal Consistency regulations provides, in part, that:

> (a) Federal agencies, applicants, persons and applicant agencies should cooperate with State agencies to develop conditions that, if agreed to during the State agency's consistency review period and included in a . . . Federal agency's approval under Subparts D, E, F or I of this part, would allow the State agency to concur with the Federal action. If instead a State agency issues a conditional concurrence:
>
> > (1) The State agency shall include in its concurrence letter the conditions which must be satisifed, an explanation of why the conditions are necessary to ensure consistency with specific enforceable policies of the management program, and an identification of the specific enforceable policies. The State agency's concurrence letter shall also inform the parties that if the requirements of paragraphs (a)(1) through (3) of the section are not met, then all parties shall treat the State agency's conditional concurrence letter as an objection pursuant to the applicable Subpart and notify, pursuant to §930.63(e), applicants, persons and applicant agencies of the opportunity to appeal the State agency's objection to the Secretary of Commerce within 30 days after receipt of the State agency's conditional concurrence/objection or 30 days after receiving notice from the Federal agency that the application will not be approved as amended by the State agency's conditions; and

(2) The Federal agency (for Subpart C), applicant (for Subparts D and I), person (for Subpart E) or applicant agency (for Subpart F) shall modify the applicable plan, project proposal, or application to the Federal agency pursuant to the State agency's conditions. The Federal agency, applicant, person or applicant agency shall immediately notify the State agency if the State agency's conditions are not acceptable; and

(3) The Federal agency (for Subparts D, E, F and I) shall approve the amended application (with the State agency's conditions). The Federal agency shall immediately notify the State agency and applicant or applicant agency if the Federal agency will not approve the application as amended by the State agency's conditions.

(b) If the requirements of paragraphs (a)(1) through (3) of this section are not met, then all parties shall treat the State agency's conditional concurrence as an objection pursuant to the applicable Subpart.

VI. Staff Recommendation on Consistency Certification:

The staff recommends that the Commission adopt the following motion:

Motion: I move that the Commission **adopt** the following findings in support of its conditional concurrence in ~~**concur** with~~ Los Angeles World Airport's consistency certification CC-061-04. ~~consistency certification CC-061-04 that the project described therein is consistent with the enforceable policies of the California Coastal Management Program.~~

Staff Recommendation:

The staff recommends a **YES** vote on this motion. Pursuant to Section 30315.1 of the Coastal Act, adoption of findings requires a majority vote of the members of the prevailing side present at the November 17, 2004, hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action on the consistency certification are eligible to vote. A majority vote by the prevailing Commissioners listed on page 1 of this report will result in adoption of the findings. ~~Passage of this motion will result in a concurrence with the certification and adoption of the following resolution and findings. An affirmative vote of the a majority of the Commissioners present is required to pass the motion.~~

Resolution to Adopt Revised Findings ~~Concur with Consistency Certification~~

The Commission hereby **adopts** the findings set forth below for CC-061-04 made by Los Angeles World Airports for the proposed project on the ground that the findings support the Commission's decision made on November 17, 2004, and accurately reflect

the reasons for it. ~~The Commission hereby **concurs** with the consistency certification made by Los Angeles World Airports for the proposed project finding that the project described therein is consistent with the enforceable policies of the California Coastal Management Program.~~

Condition:

Phased Review. As part of the Commission's phased federal consistency review of the proposed LAX Alternative D project, Los Angeles World Airports (LAWA) will submit to the Commission, prior to the commencement of construction of Alternative D project components, one or more consistency certifications for: (1) the final "HWQ-1 Drainage Plan" and its provisions for protecting coastal water quality; and (2) the Alternative D development projects that would affect existing habitat at the west end of the LAX north airfield, which in turn could affect resources of the coastal zone. The future consistency certification(s) would be submitted to the Commission (under a schedule developed by Commission staff and LAWA personnel) when the drainage plan and development projects are developed to a level of detail such that consistency with the California Coastal Management Program can be evaluated.

Right of Appeal (in the event the conditional concurrence is treated as an objection):

If LAWA does not agree to the condition, pursuant to 15 CFR Part 930, Subpart H, and within 30 days from receipt of notice of the Commission's action, LAWA may request that the Secretary of Commerce override this objection. In order to grant an override request, the Secretary must find that the activity is consistent with the objectives or purposes of the Coastal Zone Management Act, or is necessary in the interest of national security. A copy of the request and supporting information must be sent to the California Coastal Commission and the FAA. The Secretary may collect fees from the LAWA for administering and processing its request.

VII. Federal Agency's Consistency Determination.

The Federal Aviation Administration has determined the project consistent to the maximum extent practicable with the California Coastal Management Program.

VIII. Staff Recommendation on Consistency Determination.

The staff recommends that the Commission adopt the following motion:

Motion: I move that the Commission adopt the following findings in support of its concurrence in the Federal Aviation Administration's ~~**concur** with~~ consistency determination CD-062-04. ~~that the project described therein is consistent to the maximum extent practicable with the enforceable policies of the California Coastal Management Program.~~

Staff Recommendation:

The staff recommends a **YES** vote on the motion. ~~Passage of this motion will result in a concurrence with the determination and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.~~ Pursuant to Section 30315.1 of the Coastal Act, adoption of findings requires a majority vote of the members of the prevailing side present at the November 17, 2004, hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action on the consistency certification are eligible to vote. A majority vote by the prevailing Commissioners listed on page 2 of this report will result in adoption of the findings.

Resolution to Adopt Revised Findings~~Concur with Consistency Determination~~:

The Commission hereby **adopts** the findings set forth below for CD-062-04 made by the Federal Aviation Administration for the proposed project on the ground that the findings support the Commission's decision made on November 17, 2004, and accurately reflect the reasons for it. ~~The Commission hereby **concurs** with the consistency determination made by the Federal Aviation Administration, finding that the project is consistent to the maximum extent practicable with the enforceable policies of the California Coastal Management Program.~~

IX.~~VIII~~. Practicability:

The federal consistency regulations provide:

Section 930.32 Consistent to the maximum extent practicable.

(a) The term "consistent to the maximum extent practicable" describes the requirements for Federal activities including development projects directly affecting the coastal zone of States with approved management programs to be fully consistent with such programs unless compliance is prohibited based upon the requirements of existing law applicable to the Federal agency's operations. If a Federal agency asserts that compliance with the management program is prohibited, it must clearly describe to the State agency the statutory provisions, legislative history, or other legal authority which limits the Federal agency's discretion to comply with the provisions of the management program.

In conclusion and based on the above information in Section II, the Commission finds that there is a basis in the federal statutes that compels LAWA to comply with the FAA advisories and standards for the design of runways and taxiways at LAX, in particular, FAA Advisory Circular 150/5300-13, Airport Design. The Commission also finds that FAA is required to reconfigure the navigation aids which serve the two runways in the north airfield once they are separated and lengthened.

The FAA has submitted materials to the Commission which assert that full compliance with the California Coastal Management Program (CCMP), in particular, with the environmentally sensitive habitat allowable use policy of Section 30240, is prohibited by existing federal statute and FAA regulations and advisories. These materials and their relevance to the above-referenced practicability provision were analyzed previously in Section II.B and II.C of this report (pages ~~10-17~~12-18). Based on that analysis, the Commission concludes that with regard to the environmentally sensitive habitat allowable use policy of Section 30240, the standard before it is whether the proposed project is consistent to the maximum extent practicable with that policy. (The Commission's analysis of that question is found below, on pages ~~39-40~~44-45.) With regard to the other applicable CCMP policies, the Commission has concluded that the proposed project is fully consistent with those policies.

However, as discussed previously in the **Staff Note/Procedures** section of this report, the Commission has the ability under the federal consistency regulations to re-open this consistency determination and/or certification should there be: (1) substantial modifications to the environmentally sensitive habitats in the El Segundo Dunes in the time period leading up to the start of project construction in 2012; (2) changes in navigation aid technology during the time period leading up to 2012 that would eliminate the need to install navigation aids in the Dunes, or that would provide for a modified navigation aid plan that creates fewer adverse effects to coastal dune habitat; or (3) impacts to coastal resources substantially different from those expected at the time of concurrence. Should one or more of these scenarios occur, the Commission's finding that the project is "consistent to the maximum extent practicable" could be re-examined in light of new circumstances.

~~I~~X. Findings and Declarations:

The Commission finds and declares as follows:

A. Environmentally Sensitive Habitat and Wetlands. Section 30240 of the Coastal Act provides:

(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 30233 of the Coastal Act provides in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where

there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

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

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

(3) In 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. . . .

1. Wetlands and other Habitats **Inland of the Coastal Zone at LAX.** Proposed development in disturbed wetlands and other environmentally sensitive habitats inland of the coastal zone boundary (at the western end of the north airfield) holds the potential to adversely affect coastal zone wildlife that could be dependent upon these habitats ~~wetlands~~ (**Exhibit 17**).

~~As a result, t~~The consistency certification from LAWA first examines wetland resources and potential impacts at this location:

As discussed in Section 4.11, Endangered and Threatened Species of Flora and Fauna and Section 4.12, Wetlands of the Final EIR, approximately 1.3 acres of degraded wetland

habitat containing embedded cysts of the Riverside fairy shrimp is located in the western airport operations area of LAX property. This wetland area is not located within the coastal zone. The degraded wetland habitat does not have any hydrological or habitat links to the coastal zone resources (i.e., the subject wetlands are isolated depressions that, on occasion, receive water from runoff in the immediate area, and contain fairy shrimp cysts specific to that setting). The subject habitat area is subject to routine operations and maintenance activity in compliance with Title 14, CFR Park 139, which mandates that the airport operations area be maintained in such a condition so as to minimize or eliminate hazards to public safety resulting from wildlife utilization. The ponding of water would serve as an attractant to birds, and this poses a safety risk to aviation uses. In light of the existing provisions and measures to avoid the ponding of water within the subject degraded wetlands, with the specific intention of discouraging/avoiding the use of these degraded wetlands by wildlife, these wetlands do not provide a habitat link to coastal birds.

The LAWA consistency certification next examines potential impacts to the disturbed wetlands outside the coastal zone, whether those wetland impacts could affect coastal zone resources, and, notwithstanding their location and potential effects on the coastal zone, whether the proposed fill would be consistent with the wetland policies of the Coastal Act:

Alternative D would impact 0.04 acre (1,853 square feet) of the degraded wetland habitat. Ongoing operations and maintenance activities at LAX would impact the remaining 1.26 acres of degraded wetland habitat. It should be noted that the entire 1.3 acres of degraded wetland habitat would be impacted by such ongoing operations and maintenance activities, even if Alternative D were not approved. Onsite conservation of Riverside fairy shrimp within the airport operations area would be incompatible with FAA guidelines pursuant to 14 CFR, Section 139.337. Hazard management activities performed under these guidelines with respect to vegetation management include mowing, discing, and grading activities to ensure safety, which is in direct conflict with habitat improvements for the Riverside fairy shrimp. These activities would result in the loss of habitat values for the Riverside fairy shrimp. However, with implementation of mitigation measure MM-ET-1, Riverside Fairy Shrimp Habitat Restoration, outlined in Section 4.11, Endangered and Threatened Species of Flora and Fauna of the Final EIR, soils containing cysts of Riverside fairy shrimp shall be moved to a suitable alternate location in coordination with the USFWS, thus providing an opportunity for the species' recovery.

Notwithstanding the fact that the subject degraded wetlands are located well outside of the coastal zone, the filling of those wetlands would not conflict with the three-part test under §30233(a)(5) for coastal zone projects involving wetland fill: (a) the allowable use test; (b) the alternatives test; and (c) the mitigation test. Under the first of these tests, a project must qualify as one of the eight stated uses allowed under §30233(a). Since the other allowable uses do not apply, the Commission must determine whether the proposed project can be permitted under §30233(a)(5), which authorizes fill for: "Incidental public service purposes, including but not limited to, burying cables, pipes or inspection of piers and maintenance of existing intake and outfall lines."

In order to be considered an "incidental public service purpose" a proposed fill project must satisfy two tests: (1) the project must have a "public service purpose," and (2) the purpose must be "incidental" within the meaning of that term as it is used in §30233(a)(5). Because the project would be constructed by a public agency for the purpose of providing transportation services to the public, the fill is for a public service purpose. Thus, the project satisfies the first test. With respect to the second test, given the types of previously-determined allowable uses by the Coastal Commission, the Commission supports interpretations of §30233(a)(5) to apply to forms of public transportation other than roads.[1] *The proposed LAX project would improve the safety, security, and efficiency of LAX without substantially increasing capacity beyond that which would otherwise occur even if no improvements were made at LAX (i.e., Alternative D is specifically designed to accommodate the same level of future (2105) airport activity as that of the No Action/No Project Alternative).*

Under the second of the three-part test, based on the evaluations and analyses provided in the Final EIR for the LAX Master Plan, Alternative D is the environmentally preferred alternative (see Section 3.5, The CEQA Environmentally Superior Alternative, for a summary of the EIR conclusions supporting that determination). Additionally, as discussed in Section 4.12, Wetlands of the Final EIR, the existing degraded wetland habitat would continue to be subject to long-term operations and maintenance activities in compliance with Title 14, CFR Park 139, even if Alternative D were not implemented at LAX. This long-term maintenance would result in the permanent loss of habitat value and functions normally associated with wetlands.

Under the third of the three-part test, according to the USFWS Biological Opinion (FWS-OR-1012.5) for the Los Angeles International Airport Master Plan, implementation of mitigation measure MM-ET-1, Riverside Fairy Shrimp Habitat Restoration, in Section 4.11 of the Final EIR, would provide for the replacement of 0.04 acre (1,853 square feet) of degraded wetland habitat with estimated habitat value of 0.15 with 0.12 acres (5,559 square feet, as determined by a 3:1 mitigation ratio) of created vernal pool habitat with an anticipated habitat value of 0.75. In addition, the potential indirect affects to 1.26 acres of jurisdictional wetlands would be avoided through implementation of construction avoidance measures described in MM-ET-1, in Section 4.11 of the Final EIR.

Mitigation measure MM-ET-1 has been recommended as part of the jurisdictional delineation submitted to the USACOE to fulfill the responsibilities of FAA and LAWA, pursuant to Section 404 of the Clean Water Act. As discussed in Section 4.11 of the Final EIR, with implementation of mitigation measure MM-ET-1, there would be no net loss of habitat functions or values.

The consistency certification states that under the proposed Alternative D project, the Non-Native Grassland/Ruderal community in the LAX study area would be reduced by 282 acres (from 705 acres to 423 acres), and the Disturbed/Bare Ground community would be reduced by

[1] CCC staff note: see consistency certification CC-058-01 (Santa Barbara Municipal Airport)

44 acres (from 103 acres to 59 acres). The consistency certification then references the measures that are proposed to mitigate impacts on habitats from the proposed Alternative D project: MM-BC-1 (Conservation of State-Designated Sensitive Habitat Within and Adjacent to the El Segundo Blue Butterfly Habitat Restoration Area), MM-BC-2 (Conservation of Floral Resources: Lewis' Evening Primrose), MM-BC-3 (Conservation of Floral Resources: Mature Tree Replacement), MM-BC-8 (Replacement of Habitat Units), MM-BC-9 (Conservation of Faunal Resources), and MM-BC-13 (Replacement of State-Designated Sensitive Habitat) (**Exhibit 20**).

The Commission finds, however, that the consistency certification does not include an adequate analysis of the potential impacts from development at LAX (the loss of habitat outside the coastal zone in the Non-Native Grassland/Ruderal and Disturbed/Bare Ground biotic communities, including disturbed wetlands and ephemerally wetted areas) on species that live both outside and inside the coastal zone (e.g., the loggerhead shrike). The analysis of anticipated impacts from Alternative D projects on habitat types outside of and adjacent to the coastal zone must also include those projects' potential coastal zone effects. While the aforementioned mitigation measures may partially address project impacts, those measures may not adequately take into account potential adverse effects on coastal zone resources. Without knowing and understanding those potential effects, the Commission is unable to determine that the proposed project is the least environmentally damaging alternative, and that the project includes an adequate mitigation program.

Therefore, the Commission finds that because the proposed Alternative D development projects located outside and adjacent to the coastal zone hold the potential to adversely affect coastal resources (as noted above), the Commission lacks sufficient information to determine whether the Alternative D project as submitted is consistent with Sections 30233 and 30240 of the Coastal Act. Furthermore, in order for the Commission to find the proposed Alternative D projects consistent with Sections 30233 and 30240 of the Coastal Act, the Commission is conditioning its concurrence as follows (in part):

> *As part of the Commission's phased federal consistency review of the proposed LAX Alternative D project, LAWA will submit to the Commission, prior to the commencement of construction of Alternative D project components, one or more consistency certifications for: . . .(2) the Alternative D development projects that would affect existing habitat at the west end of the LAX north airfield, which in turn could affect resources of the coastal zone. The future consistency certification(s) would be submitted to the Commission (under a schedule developed by Commission staff and LAWA personnel) when the . . . development projects are developed to a level of detail such that consistency with the California Coastal Management Program can be evaluated.*

In addition, the Commission retains the authority to "reopen" its federal consistency review under the provisions of Section 930.65 of the federal consistency regulations (15 CFR Part 930), and to request appropriate remedial action in the event the Commission believes: (1) the previously-concurred with project could have an effect on coastal resources substantially

different than originally described; and (2) the project is no longer consistent with the applicable CCMP policies.

In conclusion, the Commission finds that if modified in accordance with the Commission's conditional concurrence to require submittal of the Alternative D development projects that would affect existing habitat at the west end of the LAX north airfield in a future consistency certification from LAWA, the proposed Alternative D project could be developed in a manner which would not adversely affect coastal zone resources, and would be consistent with the wetland and environmentally sensitive habitat policies (Sections 30233 and 30240) of the Coastal Act.

~~The Commission finds that the disturbed wetlands within the north airfield are located outside the coastal zone, have no hydrological connection to the coastal zone, and do not provide habitat significantly beneficial to or required by fish or wildlife present in the coastal zone. In addition, the Commission concurs with LAWA's determination that, to the extent the allowable use test is applicable, the proposed fill would be an allowable use (incidental public service), the least environmentally damaging alternative, and that unavoidable project impacts would be adequately mitigated by LAWA.~~

2. Los Angeles/El Segundo Dunes in Coastal Zone.

(a) Environmentally Sensitive Habitat. The El Segundo Dunes, located west of Pershing Drive, are within the coastal zone. The 2004 Final EIR for the LAX Master Plan states that the Dunes are considered an environmentally sensitive habitat area (ESHA), based on their critical importance as habitat for the endangered El Segundo blue butterfly. The Dunes, a remnant of a once much larger dune ecosystem, are now considered an endangered landform and comprise approximately 307 acres. This area includes a 203-acre Habitat Restoration Area established by the City of Los Angeles in 1992. The City initiated active habitat management efforts for the El Segundo blue butterfly in 1987 and continues those work efforts today. The Dunes currently contain 150 acres of occupied habitat for the El Segundo blue butterfly. The Commission has previously approved coastal development permits for dune restoration activities in the Habitat Restoration Area. A majority of the existing LAX navigation aids located in the northern portion of the Dunes are located outside of the Habitat Restoration Area (the habitat area occupied by the El Segundo blue butterfly).

The April 2004 U.S. Fish and Wildlife Service's (Service) *Biological Opinion* for the LAX Master Plan provides additional background information on the Dunes and the El Segundo blue butterfly (ESB). The Service listed the butterfly as endangered throughout its entire range in June 1976 and published a recovery plan in September 1998. The El Segundo Dunes is the largest remaining undeveloped coastal sand dune system in southern California and contains what the Service believes to be the largest remaining population of ESB (**Exhibits 18 and 19**). Population estimates for ESB vary greatly from year to year and the Service notes in its *Biological Opinion* that there is disagreement (among biological consulting firms) regarding the survey methods employed to estimate the ESB population. The Commission has not previously

taken a position on, nor is it endorsing at this time, any ESB population survey method in this review of the subject consistency determination. A 2002 population survey prepared for LAWA ~~estimated the population to be between 52,000 and 54,000 ESB. That survey also~~ noted the coast buckwheat (the ESB host plant) population is declining and that the current rate of recruitment would not be sufficient to replace the growing number of senescent plants. The *Biological Opinion* notes that the ESB is at high risk of population collapse because of the isolation of habitats, relatively small number of individuals, limited ability to disperse, and dependence on a specific habitat and host plant.

The *Biological Opinion* also provides:

> *The ESB are currently in their highest concentrations on the lee side of the southern portion of the dunes. In recent years the ESB population has been relatively large. At the same time that the number of butterflies has increased, the total number of coast buckwheat plants has been declining (Arnold 2002a; 2003). It appears the age structure of the coast buckwheat population at LAX is shifting towards a more mature, decadent, and smaller population (Arnold 2003). The number of flower heads has been high in the past few years, but an increasing number of plants are becoming senescent and the number of juvenile recruits is not keeping up with the loss of reproductive plants. If this trend continues, a collapse of the buckwheat population on the LAX ESB preserve is likely. Arnold (2002a; 2003) recommends that LAX resume its active management of the ESB preserve and reinstate the coast buckwheat propagation and planting program.*
>
> *In the northern portion of the preserve, where the specific impacts to the El Segundo dune complex are proposed, the past restoration efforts and coast buckwheat plantings have been largely unsuccessful. There are very few coast buckwheat plants in the approach lighting impact area (existing navigational aid system) and it is unlikely that further restoration within the approach lighting impact area would be successful (I. Mendez, Sapphos Environmental, pers. comm. 2004). Based on previous surveys for ESB in the existing and proposed navigational aid system areas on the El Segundo dune complex, densities for ESB are expected to be very low.*

The FAA's consistency determination examines ESHA found within the coastal zone in the El Segundo Dunes:

> *In 1992, the City of Los Angeles designated an approximately 200-acre Habitat Restoration Area for the long-term conservation of the El Segundo blue butterfly pursuant to City Ordinance 167940. Formal restoration activities within the El Segundo Blue Butterfly habitat Restoration Area were completed by Los Angeles World Airports (LAWA) in fall 1994. Over 150 acres of coastal dunes habitat were successfully vegetated with a suite of plant species native to the site. As an activity related to the protection and recovery of a federally listed endangered species, the subject habitat restoration activities were coordinated closely with the U.S. Fish and Wildlife Service. Subsequent to completing the habitat restoration activities in 1994, a formal habitat maintenance/management program*

was implemented between January 1995 through late 2000. Currently the overall maintenance/management of the dunes restoration area is supervised by the Environmental Management Division of LAWA. Also occurring since 1994 have been annual surveys and reporting of the status of the El Segundo blue butterfly (ESB) within the Habitat Restoration Area. As part of this program, the following annual assessments are made:

- *Plant communities*
- *Historic transect count for ESB*
- *Block count of ESB*
- *Buckwheat monitoring*
- *An annual estimate of ESB*

Los Angeles World Airports (LAWA) owns and manages the 307-acre Los Angeles/El Segundo Dunes located immediately west of the airport operations area and actively maintains approximately 203 acres of the 307-acre site. Known as the El Segundo Blue Butterfly Habitat Restoration Area, the 203-acre site is home to the federally-listed El Segundo blue butterfly and several other sensitive habitat and species and is the largest remaining representation of coastal dune community within Los Angeles.

The El Segundo Blue Butterfly Habitat Restoration Area (Habitat Restoration Area) located to the west of the airfield, is comprised of approximately 202.8 acres. Four biotic communities are represented: Southern Foredune (135.6 acres), Southern Dune Scrub (24.4 acres), Valley Needlegrass Grassland (17.1 acres), and Developed (25.7 acres).

Approximately 104.3 acres of non-restructured dunes adjacent to and north of the Habitat Restoration Area comprised three biotic communities: Disturbed Dune Scrub/Foredune (74.6 acres), Non-Native Grassland/Ruderal (16.9 acres), and Developed (12.8 acres). The biotic communities and vegetation types found within the coastal zone are discussed in detail below.

<u>Southern Foredune:</u> Southern Foredune plant communities are typically dominated by perennial species with a high proportion of suffrutescent (slightly woody at base) plants up to 30 cm tall. The Southern Foredune community is inhabited by a number of wildlife species, including the federally-listed El Segundo blue butterfly. Within the study area, 135.6 acres of this community are found within the Habitat Restoration Area west of Pershing Drive. Relatively undisturbed areas (about 40 acres) surrounding the Very High Omni Range Navigation Beacon provide the most representative example of this community. Ecological restoration efforts undertaken between 1987 and 1994 have restored an additional 95.6 acres. The host plant and primary food source for the El Segundo blue butterfly, coast buckwheat, is found in this biotic community.

<u>Southern Dune Scrub:</u> Southern Dune Scrub is a dense coastal scrub community of scattered shrubs, subshrubs, and herbs, generally less than 1 meter in height, often

developing considerable cover, and often succulent. Along the coast, Southern Dune Scrub intergrades with the Southern Foredune plant community. The Los Angeles/El Segundo Dunes contain virtually the only remaining example of this plant community in mainland Southern California. The Southern Dune Scrub community is found only within the Habitat Restoration Area along the steep slope of the backdune and is comprised of 24.4 acres. The host plant and primary food source for the El Segundo blue butterfly, coast buckwheat, is found in this biotic community.

Valley Needlegrass Grassland: The deflation plain east of the backdune consists of loosely consolidated (incipient) sandstone covered to variable depths with aeolian (wind-transported) sand. Many common species of birds and two reptiles are known to utilize this biotic community. This biotic community has been significantly altered and degraded by development activities. The floral components typically associated with it are now almost completely absent due to extensive grading and paving and the invasion of exotic annual grasses. No vernal pools exist today. The Valley Needlegrass Grassland community occupies 17.1 acres within the Habitat Restoration Area, and is limited to three distinct areas adjacent to and west of Pershing Drive.

Disturbed Dune Scrub/Foredune: This community is made up of 74.6 acres and is located north of the Habitat Restoration Area, south of Waterview Street, west of Pershing Drive, east of Vista del Mar Boulevard, and is bisected by Sandpiper Street. This biotic community is heavily disturbed and is dominated by invasive species that drive out native vegetation. The few coastal dune elements are patchy and include burbush, dunes evening primrose, bush lupine, pink sand verbena, and deerweed. Coast buckwheat is absent from this site.

Non-Native Grassland/Ruderal: Non-Native Grassland/Ruderal areas are those that have been subjected to past disturbance. It includes a portion of the Los Angeles/El Segundo Dunes that was once a residential area,

Developed: Developed areas within the dunes occupy 13 acres, primarily remnant roads serving the now-removed residential structures once located in the dunes.

The Habitat Restoration Area is home to the federally listed El Segundo blue butterfly. LAWA's habitat conservation and restoration efforts were initiated in 1987 and have received national attention. LAWA, in coordination with U.S. Fish and Wildlife and the California Department of Fish and Game, has provided and continues to provide the resources necessary for the habitat conservation and restoration efforts.

There are 20 sensitive plant species designated by federal or state agencies that were determined to have the potential to be present within the coastal zone. Surveys conducted for sensitive plant species identified three of these species within the coastal zone. Surveys identified 9,051 individuals of Lewis' evening primrose within the Habitat Restoration Area and an additional 300 individuals within the airfield. The El Segundo duneflower was also present within the Habitat Restoration Area, with an extremely small population of only

three individuals. The California spineflower was also located in eight areas within the Habitat Restoration Area; 572 individuals were found. Seventeen sensitive plant species were determined absent within the coastal zone.

There were 34 sensitive wildlife species designated by federal or state agencies that were determined to have the potential to occur within the coastal zone; 24 of these species were identified within the coastal zone. There are 18 sensitive arthropods, 14 sensitive insect species and four sensitive arachnids, all of which were located within the Los Angeles/El Segundo Dunes. The western spadefoot toad was determined present in ephemeral ponds in the south airfield. Two sensitive reptiles, the silvery legless lizard and the San Diego horned lizard, were determined present within the Los Angeles/El Segundo Dunes. Two sensitive bird species, the burrowing owl and the loggerhead shrike, were detected in the Los Angeles/El Segundo Dunes. The only sensitive mammal present in the coastal zone is the San Diego black-tailed jackrabbit, which utilizes the open space area located within the southwestern corner of the airfield.

(b) <u>Project Impacts</u>. The consistency determination examines potential direct impacts from the proposed reconfiguration of the FAA navigation aides located in the El Segundo Dunes on environmentally sensitive habitats within the dunes (**Exhibits 11-15**):

Under Alternative D, construction of navigational aids and associated service roads would result in impacts to 66,675 square feet (1.53 acres) of state-designated sensitive habitat within the Los Angeles/El Segundo Dunes. The new navigational aid system would include a new ALSF-2 lighting system and would permanently convert 0.25 acres of active El Segundo blue butterfly habitat in the Dunes to concrete to support the navigational lighting system. The proposed ALSF-2 lighting system would decrease the spacing of lights and increase the number of lights used to aid pilots in identifying the airport from 15 to 23. The spacing between each light would decrease from 200 feet to 100 feet. The lights from the ALSF-2 would be directed up at approaching aircraft. The extra lighting would be used during low visibility Santa Ana conditions (strong easterly winds) and at night when planes are approaching LAX from the west. During normal operations only one-half of the lights would be illuminated.

As addressed at a planning level of analysis in the Final EIR, the proposed relocation of navigational aids associated with the improvements planned for Runways 24R/6L and 24L/6R would disturb a total of approximately 66,675 square feet (1.53 acres) of area within the coastal zone based on an assumed 9'x9' pad area for each landing light standard, a 15' service buffer around each pad area, and a 15'-wide service road along the alignment of landing light pads. As noted above, existing access roads would, by intention and design, be used to the extent feasible; however, such roads are approximately 10 feet wide, and would need to be widened to 15 feet. The impacts of such widening of existing roads, where necessary and appropriate, have been accounted for in calculating the areas of disturbance (the location of existing roads can been seen on the underlying existing conditions basemap in Figure 3, and are also shown on Figures 5 through 7 in the discussion below). The

following provides a breakdown of surface disturbance associated with the navigational aids improvements and relocations, as addressed at a planning level of analysis in the Final EIR.

Impacts from Runway 6L (in Square Feet)			
Impact Area	**Pad Area (including service area buffer)**	**Service Roads**	**Localizer Antennae**
Los Angeles/El Segundo Dunes	13,689 (9 pads)	12,151	5,980
Habitat Restoration Area (HRA)	3,042 (2 pads)	1,929	0
ESB[1] Occupied Area within HRA	0	0	0
Total Impact	**16,731**	**14,080**	**5,980**

[1] El Segundo blue butterfly

Impacts from Runway 6R (in Square Feet)			
Impact Area	**Pad Area (including service area buffer)**	**Service Roads**	**Localizer Antennae**
Los Angeles/El Segundo Dunes *	1,521 (1 pad	0	0
Habitat Restoration Area	12,168 sq. ft. (8 pads)	10,215	5,980
ESB Occupied Area within HRA	3,042 (2 pads)	1,575	5,980
Total Impact	**13,689**	**10,215**	**5,980**

* 3 of the 4 light standards are placed on existing paved areas in the Sand Dunes

Total Impacts from Navigational Aids (in Square Feet)			
	Total Impact to Los Angeles/El Segundo Dunes	**Habitat Restoration Area Impact**	**ESB Occupied Area within Habitat Restoration Area**
Pad Areas	30,420	15,210	3,042
Service Roads	24,295	12,144	1,575
Localizer Antennae	11,960	5,980	5,980
Total Impact	**66,675**	**33,334**	**10,597**

Assumptions for Calculations:

- Pads areas for light standards (ALSF-2) are comprised of a 9 ft. X 9 ft. platform plus a 15 ft. buffer = 39 ft.^{2} = 1,521 sq. ft.
- Localizer antennae measure 100 ft. X 16 ft. plus a 15 ft. buffer = 130 ft. X 46 ft. = 5,980 sq. ft.
- New service roads will have a width of 15 ft.
- Existing service roads have an average width of 10 ft. and will be widened by 5 ft.
- Pads proposed within existing roads are not considered to have an impact

The Commission staff requested that the FAA provide additional details (beyond those contained in the consistency determination) on the impacts to ESHA from the reconfiguration of the navigation aids:

> *Further design of the proposed improvement and relocation of the existing navigational aids was undertaken for the purpose of this Consistency Determination, providing preliminary engineering based on site conditions and typical designs for approach lighting systems and instrument landing systems such as those anticipated for the project. The results of this additional design effort are presented in Figure 5, Proposed Navigational Aids - NAVAID Site Plan, Figure 6, Proposed Navigational Aids - Runway 6L ALSF-2, Figure 7, Proposed Navigational Aids - Runway 6R ALSF-2, and Figure 8, Proposed Navigational Aids - Details.* **[Exhibits 13-15]** *The most notable refinements that came out of the preliminary engineering include a reduction in the amount of surface area affected by the grading of, and buffer area for, the lighting system pad areas (i.e., original assumption of 39'x39' reduced to 32'x37'), reduction of the affected area associated with each localizer antennae (i.e., original assumption of 130'x46' reduced to 118'x33'), and the identification of ancillary facilities required to support the new system (i.e., ALSF equipment shelters and adjacent gravel parking area, and localizer duct banks [e.g., electrical wire conduits] between the localizer antennae/ALSF corridor and the ALSF equipment shelters). Based on the more detailed design, the impact areas were recalculated, and a comparison between the original planning estimates and the subsequent preliminary engineering estimates is provided in the table below. It should be noted that the improvement and relocation of the navigational aids are subject to further refinement in conjunction with final engineering, the selection/ purchase of the new equipment, FAA plans and specifications check, implementation of the associated manufacturer's specification, and other requirements applicable at the time Runway 24L/6R is relocated, which is currently scheduled to occur in 2012-2013.*

LAX Master Plan Alternative D Impacts Within Coastal Zone (in Square Feet)						
	Runway 6L		**Runway 6R**		**TOTAL**	
	Planning Estimate	**Engineering Estimate**	**Planning Estimate**	**Engineering Estimate**	**Planning Estimate**	**Engineering Estimate**
ALSF Landing Light	16,731	13,024	13,689	14,208	30,420	27,232

Systems						
Localizer Antennae	5,980	3,894	5,980	3,894	11,960	7,788
Access Roads	14,080	10,360	10,215	10,650	24,295	21,010
Ancillary Facilities*		2,136		2,136		4,272
TOTAL	**36,791**	**29,414**	**29,884**	**30,888**	**66,675**	**60,302**
* Ancillary Facilities were calculated separately for the preliminary engineering estimate, and include a gravel parking lot, equipment shelters, and duct banks.						

For purposes of calculating the necessary mitigation for project impacts, the FAA continues to use the more conservative figure of 1.53 acres of El Segundo Dunes ESHA affected by the construction of new navigation aids and their related support facilities. Of this area, 0.77 acres are located in the Habitat Restoration Area, and within this area 0.24 acres of habitat occupied by the El Segundo blue butterfly would be affected. As discussed below in Section A.2.(c), the FAA will provide mitigation for the 1.5-acre impact at a ratio of 2:1.

The proposed project also requires the removal of existing navigation aids and in some cases the removal of the concrete pads that support those aids. In other instances, the concrete pads may be left in place. The FAA has estimated, for purposes of calculating their mitigation requirement, that the existing concrete pads that will no longer be needed to support the reconfigured navigation aid system cover an area of approximately 1.4 acres. The FAA has not yet completed its on-the-ground engineering analysis of the concrete pads to be abandoned. At this time, the FAA is unable to conclude which pads can be removed and which pads, due to their physical characteristics, cannot be feasibly be removed. However, as a part of its consistency determination, t~~T~~he FAA has committed to remove and restore or bury and restore ~~providing the Commission with its final determination regarding the disposition of each~~ all of the concrete pads supporting those navigation aids to be dismantled and removed as a part of the proposed navigation aids reconfiguration project. ~~However~~In addition, and as discussed below in Section A.2.(c), the FAA will provide mitigation for the 1.4-acre impact on dune habitat from the removal or ~~retention~~ burial of these pads at a ratio of 2:1.

The consistency determination next examines existing ~~potential indirect~~ impacts on the El Segundo Dunes ESHA from lighting and noise and cites the LAX Master Plan Final EIR analysis of ~~-~~existing conditions in the dunes area:

> *Lighting in the dunes, which includes the Habitat Restoration Area, currently consists of navigation aids and security lighting for two small buildings . . . Some light spills into the HRA from streetlights on Vista del Mar; however, this is minimal. There is additional spillover from street lights along Pershing Drive, the majority of which is minimal except for where street lighting is adjacent to a portion of the backdune habitat. This particular area has consistently had observations of the highest numbers of El Segundo blue butterfly during*

a decade of monitoring efforts . . . Light emissions within the HRA range from 0.004 to 0.26 foot candles (fc). For a point of reference, illumination associated with natural conditions range from 0.004 fc for a moonless night, 25.0 fc for dawn, and 125.0 fc for a bright day . . . based on the levels of light that spill onto the Dunes at the present time, and the presence of sensitive species within this area, it appears that current lighting conditions do not adversely affect sensitive species at LAX.

. . . under 1996 baseline conditions, maximum noise levels at five of the six grid point locations within the Los Angeles/El Segundo Dunes and the western portion of the airport exceed the 95 decibel threshold . . . although the total time above this decibel level is very limited . . . Nevertheless, sensitive species currently reside at LAX, including locations subject to high noise levels . . . Based on the analysis of existing noise levels at locations occupied by sensitive species, and the presence of sensitive species within these areas, it appears that current noise conditions do not adversely affect sensitive species at LAX.

The consistency determination next examines potential light, construction dust, and noise impacts from the proposed reconfiguration of the navigation aids:

As discussed in the USFWS Biological Opinion, increased light and photo period has been shown to increase the growth and productivity of butterflies and moths; however, the production is typically offset by predation. The increased lighting in the Los Angeles/El Segundo Dunes and Habitat Restoration Area during evening hours may increase the activity period of adult El Segundo blue butterfly. However, the new lighting system is proposed for an area of the El Segundo dune complex that contains very low densities of El Segundo blue butterfly and coast buckwheat. Further, the lights are designed to illuminate the sky rather than the ground. Therefore, the expected increase in ambient light levels of 0.34 foot-candles (fc) and changes in navigational aid lighting, with implementation of Master Plan Commitment LI-3 regarding lighting controls, are not expected to have significant impacts on biotic communities, including sensitive floral and faunal species in the coastal zone.

As discussed in the Final EIR, implementation of Alternative D would not result in significant indirect air quality impacts to biotic communities due to the prevailing wind conditions and the location of peak concentrations of air pollutants within the eastern portion of the airport. However, according to both Section 4.10 and Section 4.11 construction activities, including staging and stockpiling of materials proximal to the Los Angeles/El Segundo Dunes and the Habitat Restoration Area have the potential to result in deposition of fugitive dust within state-designated sensitive habitats. Implementation of mitigation measures MM-BC-1 included in Section 4.10 and MM-ET-3 included in Section 4.11 of the Final EIR, and the construction avoidance measures discussed within these mitigation measures, would reduce impacts to this sensitive coastal zone habitat to less than significant levels.

> *As discussed in Section 4.11 of the Final EIR there is no increase in L_{max}, [maximum noise level] under Alternative D compared to 1996 baseline conditions. All three noise metrics decrease when compared to the 1996 environmental baseline; therefore, implementation of Alternative D would not result in significant impacts from noise to sensitive wildlife species in the coastal zone.*

The April 2004 *Biological Opinion* prepared by the U.S. Fish and Wildlife Service also addressed the potential lighting impacts on the dunes from the proposed project:

> *Increased light and photo period has been shown to increase the growth and productivity of butterflies and moths, however, the production is typically offset by predation (Gotthard 2000). The increased lighting in the preserve, during evening hours, may increase the activity period of adult ESB. However, the new lighting system is proposed for an area of the El Segundo dune complex that contains very low densities of ESB and coast buckwheat. Further, the lights are designed to illuminate the sky rather than the ground.*

Regarding potential lighting impacts, the FAA has agreed to comply with LAX Master Plan Commitment LI-3, which states as follows:

> *Prior to final approval of plans for new lighting, LAWA will conduct reviews of lighting type and placement to ensure that lighting will not interfere with aeronautical lights or otherwise impair Airport Traffic Control Tower or pilot operations. Plan reviews will also ensure, where feasible, that lighting is shielded and focused to avoid glare or unnecessary light spillover. In addition, LAWA or its designee will undertake consultation in selection of appropriate lighting type and placement, where feasible, to ensure that new lights or changes in lighting will not have an adverse effect on the natural behavior of sensitive flora and fauna within the Habitat Restoration Area.*

Notwithstanding the information contained in the Final EIR, the Commission disagrees with the above conclusions that the existing levels of light and noise in the vicinity of the El Segundo Dunes and the Habitat Restoration Area do not adversely affect sensitive animal and plant species in the Dunes. The Final EIR concludes that because sensitive species currently exist in the presence of artificial light and noise, there are no adverse effects from light and noise. However, without any information on populations of sensitive species in the absence of any artificial sources of light and noise in the Dunes, and without any comparative analysis between species populations under existing and pristine lighting and noise conditions in the Dunes, the Commission cannot agree that sensitive species are not presently adversely affected by artificial light and noise. However, despite these long-standing impacts and based on information contained in the consistency determination, consistency certification, and Final EIR (including the aforementioned Commitment LI-3) regarding expected light and noise effects, the Commission finds that the proposed navigation aid reconfiguration in the Dunes and the proposed parking structure at the western end of the airport will not generate significant adverse lighting and noise effects on sensitive species presently found in the Dunes.

(c) Mitigation Measures for Coastal Zone Impacts. The FAA addressed the impacts resulting from the proposed reconfiguration of the navigation aids in the El Segundo Dunes in part by developing a Habitat Restoration Plan (HRP)(**Appendix A,** *Los Angeles/El Segundo Dunes Habitat Restoration Plan, October 29, 2004*). The HRP describes a process whereby the new disturbance of 1.5 acres of ESHA, and the removal and/or retention of 1.4 acres of abandoned concrete pads supporting navigation aids no longer needed by the FAA, are adequately mitigated (using an acreage ratio of 2:1) prior to the construction of the new navigation aids. The HRP is based on mitigation of acreage lost due to reconfiguration of the navigation aids system, and not on MLEP habitat units, which the Commission has not recognized as an appropriate methodology to evaluate habitat impacts and/or mitigation requirements arising from project impacts, in the El Segundo dunes or other coastal zone locations. The HRP submitted to the Commission was designed by the FAA in the context of mitigation measures previously developed by the FAA and LAWA during the project EIS/EIR process, the U.S. Fish and Wildlife Service's Biological Opinion for potential project impacts on federally endangered species, and comments received from Commission staff. One of the key features of the HRP is the commitment by the FAA to complete restoration work in the dunes prior to construction of the new navigation aid system so that there is no loss of ESHA habitat arising from the new navigation aid system.

The FAA developed the following mitigation measures during the EIS/EIR process for the LAX redevelopment project. These measures are designed to mitigate impacts on coastal resources arising from the FAA navigation aids project and are addressed in greater detail in the HRP:

MM-BC-1. Conservation of State-Designated Sensitive Habitat Within and Adjacent to the El Segundo Blue Butterfly Habitat Restoration Area.

The FAA, or its designee, shall take all necessary steps to ensure that the state-designated sensitive habitats within and adjacent to the HRA are conserved and protected during construction, operation, and maintenance, by the implementation of construction avoidance measures, as described in this Habitat Restoration Plan.

MM-BC-2. Conservation of Floral Resources: Lewis' Evening Primrose.

The FAA, or its designee, shall implement a plan to compensate for the loss of individuals of the sensitive Lewis' evening primrose, currently located within the HRA, as described in this Habitat Restoration Plan.

MM-BC-9. Conservation of Faunal Resources.

The FAA, or its designee, shall conduct preconstruction surveys to determine the presence of individuals of sensitive arthropod species, the silvery legless lizard, the San Diego horned lizard, and the burrowing owl within the proposed area of impact in the Dunes. Surveys will be conducted at the optimum time to observe these species. Should

an individual be observed, they will be relocated to suitable habitat for that species within the HRA, as described in this Habitat Restoration Plan.

MM-BC-13. Replacement of State-Designated Sensitive Habitat.

The FAA, or its designee, will restore at a 2:1 ratio impacts to 1.4 acres of state-designated sensitive habitat to the appropriate state-designated sensitive plant community. An estimated 1.4 acres of state-designated sensitive habitat currently occupied by navigational aids that are scheduled for removal have the potential of being disturbed during removal activities. A total of 2.8 acres will be restored, with 1.4 acres taking place "in-situ" and 1.4 acres taking place within Subsite 23 of the HRA, as described in this Habitat Restoration Plan. Implementation of MM-ET-4 and MM-BC-13 will provide for a total of 4.4 acres of Southern Foredune habitat within Subsite 23.

MM-ET-4. El Segundo Blue Butterfly Conservation: Habitat Restoration.

The FAA, or its designee, shall restore 3.0 acres of coastal dune habitat designated as Southern Foredune within Subsite 23 of the HRA and relocate coast buckwheat individuals that have the potential to be impacted as a result of the installation of ALSF-2 navigational aids in support of Alternative D. In conformance with Biological Opinion issued by the U.S. Fish and Wildlife Service (USFWS) on April 20, 2004, for the Alternative D of the LAX Master Plan, activities associated with navigational aid development shall be limited to the existing roads and proposed impacts areas, as described in the Final EIR. Habitat restoration will take place at a minimum of three years prior to the impact (scheduled for 2012-1013), as described in this Habitat Restoration Plan. Implementation of MM-ET-4 and MM-BC-13 will provide for a total of 4.4 acres of Southern Foredune habitat within Subsite 23.

The full text of these mitigation measures is provided in **Exhibit 20**.

The *Biological Opinion* issued by the United States Fish and Wildlife Service (FWS-OR-1012.5, April 20, 2004) states that:

. . . it is estimated that a total of two coast buckwheat plants would be directly affected by the installation of the navigational lighting system. The removal and relocation of the two coast buckwheat plants would likely result in the loss of any El Segundo blue butterfly larvae or pupae associated with that particular plant due to elimination of its food source. However, because of the poor quality of El Segundo blue butterfly habitat in the impact area, it is unlikely that these actions would directly impact more than a small number of El Segundo blue butterfly.

The USFWS Biological Opinion finds that the proposed action is not likely to jeopardize the continued existence of El Segundo blue butterfly. The conclusion is based on the 0.25 acres of habitat lost in the El Segundo blue butterfly reserve is of poor quality and would be off set

by the restoration of 1.25 acres of high quality habitat in sub-area 23 on the southern area of the Habitat Restoration Area.

In addition, the *Biological Opinion* includes two conservation recommendations, which are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information:

1. We recommend FAA and LAWA resume active restoration and management within the El Segundo blue butterfly preserve. Activities should include weed removal, active planting of coast buckwheat plants to replace the decadent and senescent plants, and plan for further restoration activities.

2. We recommend FAA and LAWA review and, if necessary, revise the quantitative methods used to estimate the populations of ESB at LAX and Chevron preserves.

The Commission has reviewed the *Habitat Restoration Plan* and finds that it now includes adequate provisions for mitigating the unavoidable adverse impacts on coastal dune habitat from the FAA's proposed reconfiguration of navigation aids in the El Segundo Dunes. Modifications and changes to the draft *Habitat Restoration Plan* made at the suggestion of the Commission staff satisfactorily resolved several coastal resource issues, and included improving the amount of mitigation acreage, the methodology for determining success of restoration activities, and expanding the area to be planted with coast buckwheat. Regarding the latter issue, the final *Habitat Restoration Plan* states that:

As a result of coordination efforts undertaken between CCC, FAA, and LAWA, it has been mutually agreed to that in lieu of including coast buckwheat within the plant palette for in-situ restoration of the Southern Foredune plant community, enhancement of the 4.2-acre Subsite 22 within the HRA will be undertaken by planting the appropriate number of coast buckwheat plants sufficient to enhance existing clusters of buckwheat and to establish a new cluster. Subsite 22 has been identified as an appropriate site for the enhancement plantings due to the current low numbers of coast buckwheat individuals (approximately 56 coast buckwheat plants), thus providing opportunities to not only enhance the existing clusters of buckwheat but to establish a new cluster of plants. While Subsite 22 will be monitored concurrently with monitoring efforts at Subsite 23, no success criteria are established for plantings within Subsite 22.

Subsite 22 will be surveyed to identify appropriate areas for the enhancement of existing clusters of coast buckwheat and for the establishment of a new cluster.

In addition, the FAA agreed to include in its *Habitat Restoration Plan* a commitment to maintain all of its proposed habitat restoration projects in perpetuity or until such time as there is a newly-developed, permanent, overall management plan for the 203-acre El Segundo Dunes Habitat Restoration Area.

The Commission concludes that with the successful implementation of the *Habitat Restoration Plan*, there will be no significant disruption of habitat values in the El Segundo Dunes ESHA. Further, the Commission finds that notwithstanding the impacts to 2.9 acres of dune habitat from the proposed project, with the proposed restoration of 5.8 acres of coastal dune habitat at Subsites 22 and 23 and at sites along the linear tracks of the abandoned navigation aids, the biological health of the dunes, and in particular coast buckwheat plants that support the endangered El Segundo blue butterfly, will be enhanced over present conditions.

(d) <u>Allowable Use in Environmentally Sensitive Habitat Areas</u>. The Commission has determined that the impacts to environmentally sensitive habitat in the El Segundo Dunes will be minimized and that unavoidable impacts will be satisfactorily mitigated through implementation of the Habitat Restoration Plan. However, the Commission must also apply the test of Section 30240(a) which states that within environmentally sensitive habitat areas, "only uses dependent on those resources shall be allowed within those areas." The FAA constructed the existing navigation aids located in the El Segundo Dunes between 1975 and 1977, and the Commission did not begin conducting federal consistency reviews until November 1978. As a result, no analysis occurred for consistency with the Section 30240(a) allowable use policy for the installation of the original navigation aids. Currently, however, the El Segundo Dunes is designated as an environmentally sensitive habitat and the proposed reconfiguration of the existing navigation aids is not a type of land use or development that is dependent on these coastal dune resources. The proposed installation of the new navigation aids and associated roads is therefore not consistent with the allowable use test of Section 30240(a) of the Coastal Act. As a result, the FAA is asserting that the proposed project is consistent to "the maximum extent practicable" with Section 30240(a).

As noted previously in Section VIII of this report, federal activities must be fully consistent with state coastal management programs unless:

> *. . . compliance is prohibited based upon the requirements of existing law applicable to the Federal agency's operations. If a Federal agency asserts that compliance with the management program is prohibited, it must clearly describe to the State agency the statutory provisions, legislative history, or other legal authority which limits the Federal agency's discretion to comply with the provisions of the management program.*

Previously in Section II.C. of this report, the Commission reviewed the references to federal statute, regulations, and FAA advisories provided by the FAA to support the agency's assertion that full compliance with Section 30240(a) of the Coastal Act is prohibited by the requirements of existing law applicable to the FAA. The Commission concluded in that section that there is a basis in the federal statutes that compels LAWA to comply with the FAA advisories and standards for the design of runways and taxiways at LAX, in particular, FAA Advisory Circular 150/5300-13, Airport Design. The proposed realignment of the two runways in the north airfield at LAX would consequently mandate the reconfiguration of the existing navigation aids in the El Segundo Dunes that support flight operations on those runways. As described previously in this report, the FAA has designed the reconfiguration project to minimize effects on environmentally

sensitive habitat and will implement a habitat restoration plan that will restore and enhance coastal dune habitat prior to the start of project construction.

Therefore, given the mandate for LAWA to comply with FAA standards for runway design, the FAA requirement to provide navigation aids for runway operations, a navigation aid reconfiguration plan that minimizes impacts to environmentally sensitive coastal dune habitat, and FAA's preparation of the El Segundo Dunes Habitat Restoration Plan, the Commission concludes that the proposed project is consistent to the maximum extent practicable with the environmentally sensitive habitat and wetlands policies (Section 30240 and 30233) of the Coastal Act.

B. <u>Water Quality</u>. The Coastal Act provides the following:

> *<u>Section 30231</u>. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*
>
> *<u>Section 30232</u>. 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 4.7 of the LAX Master Plan Final EIR/EIS includes background information on water quality issues pertaining to LAX:

- *At LAX, surface water is discharged to both County of Los Angeles and City of Los Angeles drainage and flood control structures* [which drain into San Pedro Bay and Santa Monica Bay].

- *The existing drainage system at LAX consists of catchbasins, subsurface storm drains and open channels, and outfalls. The principal storm water outfalls for surface water captured on the airport property are the Dominguez Channel, the Argo Drain, the Imperial Drain, and the Culver Drain . . . In addition, the Vista del Mar sub-basin provides drainage for the portion of the airport west of Pershing Drive (i.e., the Dunes).*

- *Surface water flow from the Argo, Imperial, Culver, and Vista del Mar sub-basins contributes to the total surface water flow in the Santa Monica Bay Watershed. The Imperial drainage sub-basin is unique among the airport sub-basins in that it contains both a storm water detention basin for reducing peak flow to the outfall and a water*

quality retention basin for collecting dry weather and "first flush" storm flows from the airport.

- *LAWA has prepared a SWPPP* [Storm Water Pollution Prevention Plan] *to address the permitting of storm water discharges associated with industrial activities at LAX . . .The LAX SWPPP contains general information, such as drainage system layout and tenant and site activities; describes past and present potential sources of pollutants in storm water; designates programs to identify and eliminate non-storm water discharges; and describes the storm water management controls being implemented at LAX and the ongoing storm water monitoring program.*

- *As required under the SWRCB General Permit for Construction Activities, LAWA has prepared a Storm Water Guidance Manual for Construction Activities. This document outlines the procedures for preparing and implementing a construction SWPPP before beginning construction operations so that the activities are in compliance with the general permit.*

The Final EIR/EIS also includes a water quality analysis for the proposed Alternative D project. Relevant excerpts from that analysis are presented below:

- *LAWA would implement Master Plan Commitment HWQ-1, which would require the development of a conceptual drainage plan and design of a storm water system to meet the requirements in the SUSMP* [Standard Urban Storm Water Mitigation Plan] *through incorporation of source control, structural, and treatment control BMPs. By implementing Master Plan Commitment HWQ-1, the impact associated with the increased pollutant loads would be reduced to a level that is less than significant.*

- *With implementation of Master Plan Commitment HWQ-1, the LAX SWPPP* [Storm Water Pollution Prevention Plan] *would be amended to incorporate additional source control BMPs, if warranted, as well as changes in the frequency at which source control BMPs will be performed. As a result, the potential impact associated with increased pollutant loads due to increased industrial activity would be reduced to a level that is less than significant.*

- *Sources of dry-weather flows within* [LAX] *are associated with activities that include outdoor maintenance of vehicles, building and grounds maintenance, aircraft and ground vehicle fueling, painting, stripping, and washing; limited deicing; and chemical and fuel transport and storage. The intensification of these airport-related activities under Alternative D could result in release of spills and leaks of hazardous materials to the Dominguez Channel and Santa Monica Bay watersheds.*

- *Incorporation of source control, structural and treatment BMPs under Master Plan Commitment HWQ-1 would further reduce the potential for pollutants to enter the storm drain system and affect receiving water bodies. With implementation of this commitment,*

the pollutant load generated from dry weather flows would not be expected to increase and the associated impact would be less than significant.

- *Construction of the proposed improvements under Alternative D would affect an area greater than one acre, thus requiring LAWA to develop project-specific construction SWPPPs in compliance with the state's construction permit. To minimize the effect construction activities would have on water quality, the SWPPPs would specify temporary construction BMPs.*

The consistency certification summarizes potential water quality impacts from the proposed Alternative D:

> *To prevent impacts to the coastal zone and coastal waters from erosion and runoff at LAX, LAWA would implement Master Plan Commitment HWQ-1, as discussed in Section 4.7, Hydrology and Water Quality, of the Final EIR, related to preparing a Conceptual Drainage Plan prior to initiating construction. This plan would include the preparation of an airport-wide Standard Urban Storm Water Mitigation Plan (SUSMP) with BMPs to be incorporated into the LAX Storm Water Pollution Prevention Plan (SWPPP). LAWA also would comply with mitigation measure MM-HWQ-1, outlined in Section 4.7 of the Final EIR, to upgrade regional drainage facilities.*
>
> *Alternative D, as with current operations at LAX, would involve the use and transport of oil and hazardous substances on the premises. As discussed in Section 4.23, Hazardous Materials, and Section 4.24.3, Safety, of the Final EIR, hazardous materials at LAX are stored at the Central Utility Plan, the Fuel Farm, and the CNG/LNG facility; none of these facilities lies within the coastal zone. To prevent and mitigate any impacts to LAX and the coastal zone associated with these facilities, each facility has safety and emergency response elements incorporated into its design, operation, and emergency response procedures, as discussed in detail in Section 4.24.3 of the Final EIR.*

The consistency determination addresses potential water quality impacts from the proposed reconfiguration of navigation aids in the El Segundo Dunes:

> *To prevent impacts to the coastal zone and coastal waters from erosion and runoff associated with relocating the existing navigational aids, FAA would incorporate BMPs into the construction process for the navigational aids and associated service roads. Measures including BMPs to address potential erosion impacts associated with Project construction are specified in Section 4.7, Hydrology and Water Quality of the Final EIR for the LAX Master Plan Improvements.*

The aforementioned "Master Plan Commitment HWQ-1 – Conceptual Drainage Plan" is LAWA's primary vehicle for addressing, reducing, and mitigating potential water quality impacts from Alternative D development projects. The complete text of this document is provided in **Exhibit 21**. The introduction to this commitment states that:

> *Once a Master Plan alternative is selected, and in conjunction with its design, LAWA will develop a conceptual drainage plan of the area within the boundaries of the Master Plan alternative (in accordance with FAA guidance and to the satisfaction of the City of Los Angeles Department of public Works, Bureau of Engineering) . . . Best Management Practices (BMPs) will be incorporated to minimize the effect of airport operations on surface water quality and to prevent a net increase in pollutant loads to surface water resulting from the selected Master Plan alternative.*

The Commission's water quality staff submitted detailed comments on the water quality component of the initial version of the LAX Master Plan Draft EIS/EIR in September 2001 (**Exhibit 22**). In those comments, Commission staff identified shortcomings in the water quality component and provided a number of recommendations to improve water quality protection during the construction and operation of the LAX improvements program. In brief, those recommendations focused on the details of the proposed HWQ-1 drainage plan, treatment of the 85th percentile/24-hour design storm, design of stormwater treatment facilities, determining baseline levels of pollutant loads, the range of pollutants to be monitored, flood control measures, dry weather runoff controls, and construction and operations BMPs. LAWA and FAA have agreed in concept to include these elements in the proposed HWQ-1 drainage plan.

The Commission notes that with the City of Los Angeles' recent approval of Alternative D as the preferred LAX development plan, the final design of the HWQ-1 drainage plan – upon which much of the water quality protection program will rest – can now proceed. The Commission acknowledges that while nearly all of the Alternative D development (excepting the reconfiguration of navigation aids in the El Segundo Dunes) will occur inland of the coastal zone, all of the stormwater and dry-weather runoff from a redeveloped LAX has the potential to enter Santa Monica Bay or San Pedro Bay. While it is clear that LAWA intends to implement a wide-ranging suite of water quality protection measures in concert with its Alternative D projects, and that the FAA intends to implement BMPs for navigation aids construction in the El Segundo Dunes (which will be an element of the HWQ-1 plan), the foundation of the LAX water quality control program – the HWQ-1 drainage plan – has yet to be developed. ~~As a result, the Commission staff has requested that the FAA and LAWA submit that plan to the Commission staff for its review and concurrence prior to the start of any construction.~~

However, the Commission finds that because the proposed Alternative D development projects located within and adjacent to the coastal zone hold the potential to adversely affect coastal water quality (as noted above), and because the "HWQ-1 Drainage Plan" is not yet developed and therefore cannot be reviewed by the Commission for consistency with the water quality policies of the Coastal Act, the Alternative D project as submitted is inconsistent with Sections 30231 and 30232 of the Coastal Act. Furthermore, in order for the Commission to find the proposed Alternative D projects consistent with Sections 30231 and 30232 of the Coastal Act, the Commission is conditioning its concurrence as follows (in part):

> *As part of the Commission's phased federal consistency review of the proposed LAX Alternative D project, LAWA will submit to the Commission, prior to the commencement of construction of Alternative D project components, one or more consistency certifications for: (1) the final "HWQ-1 Drainage Plan" and its provisions for protecting coastal water quality . . . The future consistency certification(s) would be submitted to the Commission (under a schedule developed by Commission staf and LAWA personnel) when the drainage plan . . .* [is] *developed to a level of detail such that consistency with the California Coastal Management Program can be evaluated.*

In addition, the Commission retains the authority to "reopen" its federal consistency review and under the provisions of Section 930.65 of the federal consistency regulations (15 CFR Part 930), and request appropriate remedial action in the event the Commission believes: (1) the previously-concurred with project could have an effect on coastal resources substantially different than originally described; and (2) the project is no longer consistent with the applicable CCMP policies.

In conclusion, the Commission finds that if modified in accordance with the Commission's conditional concurrence to require submittal of the final HWQ-1 Drainage Plan in a future consistency certification from LAWA, and in conjunction with the additional water quality protection commitments contained in the subject consistency certification and in the FAA's consistency determination CD-062-04, the proposed Alternative D project could be developed in a manner which would protect coastal water quality in Santa Monica and San Pedro Bays, and would be consistent with the water quality policies (Sections 30231 and 30232) of the Coastal Act.

~~LAWA and the FAA have agreed as a part of this consistency certification and consistency determination to submit the draft and final versions of the HWQ-1 drainage plan to the Commission staff for review and comment. Upon receipt of the draft plan, the Commission staff will be able to determine: (1) if the plan adequately addresses the Commission staff's 2001 water quality comments and any subsequent concerns identified by Commission staff based on current information; and (2) if the plan is designed such that the proposed Alternative D developments would not adversely affect water quality in the coastal zone. If concerns are raised, the Commission retains the authority to "reopen" its federal consistency review and under the provisions of Section 930.65 of the federal consistency regulations (15 CFR Part 930), and request appropriate remedial action in the event the Commission believes: (1) the previously-concurred with project could have an effect on coastal resources substantially different than originally described; and (2) the project is no longer consistent with the applicable CCMP policies.~~

~~With this commitment on the part of the LAWA and the FAA, and in conjunction with the water quality protection commitments contained in the consistency certification and consistency determination, the Commission concludes that the Alternative D LAX improvements project (CC-061-04) and the proposed reconfiguration of the navigation aids in the El Segundo Dunes~~

~~(CD-062-04), are consistent with the water quality protection policies (Sections 30231 and 30232) of the Coastal Act.~~

C. <u>Public Access</u>. The Coastal Act provides the following:

<u>Section 30210</u>. 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.

<u>Section 30211</u>. 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.

<u>Section 30212(a)</u>. 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. . . .

<u>Section 30214(a)</u>. 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. . . .

<u>Section 30252</u>. 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.

(1) <u>CC-061-04</u>. The consistency certification states that proposed Alternative D improvements at LAX are located outside the coastal zone, except for the FAA navigation aids project (see below). Existing coastal access routes in the immediate project area would be maintained and proposed developments at LAX would not affect existing coastal access and recreational facilities at nearby Vista del Mar Park, Dockweiler State Beach, the South Bay Bike Trail, and along surface streets providing access to and along the shoreline. The current alignment of Pershing Drive would not be affected and vehicle, bicycle, and pedestrian access along Pershing Drive would remain unchanged.

The consistency certification addresses potential coastal access impacts from vehicular traffic levels associated with the proposed Alternative D. Existing vehicular, bicycle, and pedestrian access conditions are examined first:

Vehicular access to the coast in the vicinity of LAX is provided via Westchester Parkway to Pershing Drive to various residential streets. Sandpiper Street (which connects Pershing Drive and Vista del Mar) no longer provides vehicular access to the coast as it has been closed for security purposes following the events of September 11, 2001. Vehicular access to the coast is also provided via Imperial Highway along the southern perimeter of LAX. Farther south, within the City of El Segundo, coastal access is provided by Grand Avenue. Currently, residents of El Segundo can access Imperial Highway from two access points: Main Street and California Street. Vehicles can proceed westbound to the coast or eastbound on Imperial Highway from either of these streets. Parking is available at Dockweiler State Beach and along Vista del Mar.

Bicycle access is provided by a network of bicycle lanes and bicycle paths, which is shown in Figure F4.14-4, Existing and Proposed Bicycle Access in the LAX Vicinity, in the Final EIR. A Class I bicycle path, which provides exclusive bicycle rights-of-way separate from vehicular traffic, is located along the coast between Vista del Mar and the Pacific Ocean from north of LAX near Marina del Rey to Grand Avenue south of LAX. Although Vista del Mar is not a designated bicycle route, bicyclists can ride on the shoulder of the street parallel to the coast. Access to the coastal bicycle path is available via bicycle lanes on Grand Avenue and Imperial Highway. The bicycle lane on Imperial Highway extends from east of Aviation Boulevard to Vista del Mar. There are also bicycle lanes on Westchester Parkway along the northern boundary of LAX. Bicyclists can access the coast by traveling westbound along Westchester Parkway to Pershing Drive and, from Pershing, connecting with various residential streets near the terminus of Westchester Parkway.

Currently, pedestrian access to the coast in the immediate vicinity of LAX is limited. Within the City of El Segundo, pedestrian access is provided by a footpath connecting Imperial Avenue with Imperial Highway near Hillcrest Street. Sidewalks are available intermittently along the south side of Imperial Highway; pedestrians can walk along the shoulder of the

roadway where there are no sidewalks. Within the northern portion of LAX, there are sidewalks along Westchester Parkway, but there are no connecting sidewalks along Pershing Drive.

Next, potential effects on vehicular, bicycle, and pedestrian access from proposed Alternative D developments are examined:

As discussed in Section 4.14, Coastal Zone Management and Coastal Barriers of the Final EIR, because Alternative D would not shift the airport's primary passenger activity center closer to the coast, there would be limited impact to existing coastal access.

Under Alternative D, all of existing coastal access routes would remain in their baseline configurations. The only components of Alternative D that would be nearby or en route to the coast are the LAX Northside development and the west employee parking garage on World Way West. However, neither of these developments would alter the existing coastal access routes, although they would increase the number of vehicles on roadways that provide access to the coast.

Alternative D would not alter existing bicycle access to the coast. In addition, under Master Plan Commitment LU-5, included in Section 4.2, Land Use of the Final EIR, LAWA would comply with municipal bicycle policies and plans, including the City of Los Angeles Transportation Element Bicycle Plan, and would provide maximum feasible incorporation of bike paths and lanes into the Master Plan circulation systems. In addition, bicycle access and parking facilities would be provided at the GTC, ITC, and major parking lots. Related facilities, such as lockers and showers, would also be provided where feasible to promote employee bicycle use.

As discussed in Section 4.14 pedestrian access to the coast would continue to be limited under Alternative D. The existing footpath connecting Imperial Avenue and Imperial Highway would not be affected under this alternative. However, the proposed changes in ground access to LAX do not include the provision of new sidewalks. Sidewalks are not currently available along the full length of Imperial Highway under baseline conditions. Pedestrians would continue to be able to walk along the shoulder of Imperial Highway to the coast.

As noted above, under Alternative D, a new four-story, 12,400-stall employee parking garage would be constructed on the west side of the airport, south of World Way West and east of Pershing Drive. This garage would replace and consolidate the various surface parking lot spaces located throughout the airport into one garage, and employees using this facility would be shuttled to their workplaces across the LAX complex. The consistency certification examines this proposed structure and associated projects intended to lessen potential impacts on traffic in the area:

As detailed in Table F4.3.2-30, Off-Airport Surface Transportation Phasing Plan, included in Section 4.3.2, Off-Airport Surface Transportation of the Final EIR, construction of the

new west employee parking structure would be accompanied by number other off-site improvements. These are listed below:

1. *Complete off-site intersectional improvements at:*

- *Grand Avenue and Vista del Mar*
- *Highland Avenue/Vista del Mar and Rosecrans Boulevard*
- *Imperial Highway and Main Street*
- *Imperial Highway and Pershing Drive*
- *Imperial Highway and Sepulveda Boulevard*
- *Imperial Highway and Vista del Mar*
- *Jefferson Boulevard and Lincoln Boulevard*
- *Lincoln Boulevard and Manchester Avenue*
- *Lincoln Boulevard and Teale Street*
- *Rosecrans Avenue and Sepulveda Boulevard*
- *83rd Street and Lincoln Boulevard;*

2. Provide a fair-share contribution to LA County's "Marina Expressway to Admiralty Way" project OR complete alternative off-site intersectional improvements at the following intersections:

- *Bali Way and Lincoln Boulevard*
- *Fiji Way and Lincoln Boulevard*
- *Lincoln Boulevard and Marina Expressway*
- *Lincoln Boulevard and Maxella Avenue*
- *Lincoln Boulevard and Mindanao Way*
- *Lincoln Boulevard and Washington Boulevard*

3. Provide a fair-share contribution toward the LAC-MTA's Metro Rapid Bus Line Expansion Program (possible concepts include but are not limited to paying for larger or additional buses from those planned by the LAC-MTA or paying the cost of retrofitting some buses to better accommodate airline passengers and their baggage to and from LAX) OR other enhancements to benefit transit to and from LAX (possible concepts include but are not limited to traffic signal priority improvements for bus flow, transit marketing, airport employee and/or air passenger fare subsidies) to mitigate the following intersections:

- *Imperial Highway and Sepulveda Boulevard*
- *Jefferson Boulevard and Lincoln Boulevard*
- *Lincoln Boulevard and Manchester Avenue*
- *Lincoln Boulevard and Marina Expressway*
- *Lincoln Boulevard and Teale Street*
- *Lincoln Boulevard and Washington Boulevard*

The proposed Alternative D improvements at LAX are sited in areas outside the coastal zone (excepting the navigation aids project, below) and will not directly affect existing access or recreation facilities in the coastal zone. As noted above, the proposed employee parking structure at the west end of the airport (southeast of the intersection of Pershing Drive and World Way West) would increase the number of vehicles using Pershing Drive, which is a vehicle and bicycle route inland of and parallel to the shoreline and which provides access to the coastal zone. The consistency certification submitted by LAWA outlines the numerous street and intersection improvements and the public transportation enhancements that would be implemented to mitigate potential adverse traffic impacts generated by the parking facility (see above). In addition, under LAX Master Plan Commitment LU-5, LAWA has agreed to comply with the City of Los Angeles Transportation Element Bicycle Plan and to this end would also:

> *. . . provide maximum feasible incorporation of bike paths and lanes into the Master Plan circulation systems. In addition, bicycle access and parking facilities would be provided at the GTC, ITC, and major parking lots.*

It is difficult to accurately predict at this point in time the potential adverse impacts to coastal access – and their significance – from the proposed LAX Alternative D improvements, due to their location inland of the coastal zone, a facilities construction schedule that extends through the year 2014, and the implementation uncertainty that is inherent in a project of this complexity and controversy. This challenge is compounded by further uncertainties in anticipating future increases in traffic volumes on major surface arterials providing access to the coast in this area, and over which the Commission has no control, as a result of: (1) other traffic-generating projects in the LAX area that could be developed over the next ten years; (2) the growth in LAX-related traffic that would occur under a No Action/No Project alternative; or (3) the outcome of inexorable population and economic growth in the region with its concurrent increase in vehicle trips in the LAX area. Based on the available information and commitments made at this time, the Commission concludes that the proposed Alternative D project, as it is implemented over the next ten years in conjunction with the aforementioned surface transportation measures, will not adversely impact coastal access routes in the areas adjacent to LAX significantly beyond that which can be reasonably expected to occur in this area absent the Alternative D project. Therefore, the Commission concludes that the project is consistent with the public access policies (Sections 30210, 30211, 30212, 30214, and 30252) of the Coastal Act.

(2) <u>CD-062-04</u>. The consistency determination examines potential effects on public access from the proposed reconfiguration of navigation aids in the El Segundo Dunes:

> *Relocation of the existing navigational aids would occur within an area owned by LAX that lies within the coastal zone. This area is, and will continue to be, secured from public access due to airport safety and national security needs. Coastal access is, and would continue to be, allowed on the public roads outside of the secured area . . . Development activities related to the relocation of existing navigational aids would not interfere with public access to the sea nor affect lower cost visitor and recreational facilities.*

The proposed reconfiguration of and improvements to the navigation aids system located in the El Segundo Dunes will not affect public access to and along this section of the coastal zone. As noted above, the navigation aids are located in an area long-closed to public access due to airport safety and operations requirements, and due to the environmentally sensitive nature of the dunes habitat. The proposed reconfiguration of the existing navigational aids would not alter these existing public access restrictions. Therefore, the Commission concludes that the proposed navigation aids project will not adversely affect public access and is consistent with the public access policies (Sections 30210, 30211, 30212, 30214, and 30252) of the Coastal Act.

D. <u>Visual Resources</u>. Section 30251 of the Coastal Act provides:

> *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 its setting.*

LAWA's consistency certification examines the potential visual resource impacts arising from proposed Alternative D projects:

> *The majority of proposed Alternative D improvements at LAX are substantially outside of, and not visible from, the coastal zone surrounding LAX. As discussed in FAA's consistency determination, the relocated navigational aids would not be visible from surrounding streets. Under Alternative D, a four-level employee parking structure is proposed on property in the western portion of LAX (east of the coastal zone). As discussed in Section 4.21, Design, Art and Architecture Application/Aesthetics, of the Final EIR, views of the employee parking structure from the coastal zone would be limited and would not represent an aesthetic or view impact to the scenic and visual qualities of the coastal zone.*

The FAA's consistency determination examines the potential visual resource impacts generated by the reconfigured navigation aids in the El Segundo Dunes:

> *The navigational aids proposed to be relocated in conjunction with Alternative D would generally be similar in size and design to the existing facilities that have existing in the dunes for decades, and would continue to exist irrespective of Alternative D. Similar to the existing navigational aids, the relocated navigational aids would not be readily apparent from either Pershing Drive or Vista del Mar. The area of the Los Angeles/El Segundo Dunes in which the existing and proposed navigational aids are located is fenced off with green security fencing to prevent public access. The design of navigational aids is mandated by FAA standards, and due to the strict safety specifications, the aesthetic appearance of the navigational aids cannot be changed in any way.*

The only element of the Alternative D project that could be visible from the coastal zone is the proposed four-story employee parking garage southeast of the intersection of Pershing Drive and World Way West. However, this facility would only be visible from Pershing Drive and would not be visible from coastal recreational areas at Dockweiler State Beach, Vista del Mar Park, and the South Bay Bike Trail. The view eastward from Pershing Drive across the western end of the LAX complex would not be significantly altered by the parking garage, whose presence would be consistent with the existing aviation-related development in this area. The visibility of the reconfigured navigation aids from coastal zone vantage points is minimal, would be similar in nature to the existing aids, and would not adversely affect coastal views to or along the shoreline from points west of the El Segundo Dunes. Therefore, the Commission concludes that the proposed Alternative D project (CC-061-04) and the proposed navigation aids project (CD-062-04) are consistent with the visual resource policies (Section 30251) of the Coastal Act.

E. <u>Cultural Resources</u>. Section 30244 of the Coastal Act provides:

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

The Final EIR for the LAX project reports that the project area lies within a region that was occupied during the late prehistoric period by Native American groups now known as the Gabrielino. The Gabrielino may have numbered as many as 5,000 people at their peak in the pre-European contact period (approx. 1769) in the Los Angeles basin. The consistency certification addresses the potential presence of cultural resources in the project area as follows:

> *The proposed Alternative D improvements at LAX would not directly or indirectly affect any known archaeological or paleontological resources within the coastal zone. According to previous archaeological and paleontological surveys, as discussed in Section 4.9, Historic/Architectural and Archaeological/Cultural and Paleontological Resources, of the Final EIR, no known archaeological or paleontological resources exist within the coastal zone area of the LAX property . . .*

The consistency determination additionally states that relocation of the existing navigational aids would not directly or indirectly affect any known archaeological or paleontological resources in the El Segundo Dunes.

Both submittals include a commitment that in the event that previously unidentified cultural, archaeological, and/or paleontological resources are discovered during construction activities, implementation of mitigation measures described in the Final EIR would eliminate the potential for adverse impacts to these resources. Mitigation measures MM-HA-4 through MM-HA-10 address cultural resource discovery, monitoring, excavation and recovery, administration, reporting, curation, and notification and are provided in **Exhibit 23**. Mitigation measures MM-PA-1 through MM-PA-7 address paleontological resource discovery, monitoring, collection, and reporting and are provided in **Exhibit 24**. With these measures, the Commission concludes that

the proposed Alternative D project at LAX (CC-061-04) and the reconfiguration of the navigation aids in the El Segundo Dunes (CD-062-04) would not adversely affect cultural resources, and that the projects are consistent with the cultural resource policy (Section 30244) of the Coastal Act.

XI. Substantive File Documents.

1. Coastal Development Permits: 5-86-217G (Interim Habitat Restoration for El Segundo Blue Butterfly at El Segundo Dunes, City of Los Angeles Department of Airports); 5-87-777 (Habitat Restoration at El Segundo Dunes, City of Los Angeles Department of Airports); 5-90-1149 (Interim Habitat Restoration at El Segundo Dunes, City of Los Angeles Department of Airports); 5-92-131 (El Segundo Dunes Restoration Program, City of Los Angeles Department of Airports).

2. Consistency Certification CC-058-01, Santa Barbara Municipal Airport Improvements, City of Santa Barbara.

3. Long-Term Habitat Management Plan for Los Angeles Airport/El Segundo Dunes. City of Los Angeles Environmental Affairs Department, June 23, 1994.

4. Supplement to the Draft Environmental Impact Statement/Environmental Impact Report, Los Angeles International Airport Proposed Master Plan Improvements. Federal Aviation Administration et.al., July 2003.

5. Los Angeles International Airport Proposed Master Plan Improvements, Final Environmental Impact Report. City of Los Angeles, April 2004.

6. Los Angeles/El Segundo Dunes Habitat Restoration Plan. Federal Aviation Administration, October 29, 2004.