

APPENDIX N
Coastal Commission Consistency

APPENDIX N

Coastal Commission Consistency

Otay River Estuary Restoration Project Consistency with the Coastal Resources Planning and Management Policies of the California Coastal Act

Provision	Alternative B-Intertidal Alternative	Alternative C-Subtidal Alternative
<p>Article 2 Section 30210. In carrying out the requirement of Section 4 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.</p>	<p>This alternative would not result in any permanent changes to the current public access routes along the south end of San Diego Bay. The Bayshore Bikeway, which accommodates bicycle and pedestrian access, extends around the south end of the Bay to the west of the Otay River Floodplain Site and south and east of the Pond 15 Site providing coastal access for the public. No public access onto the project site is currently available and no public access would be provided into this area following restoration due to the sensitivity of the resources that would be supported. However, ample visual access into the site would continue to be provided from the Bayshore Bikeway. During the mobilization, demobilization, site grading, and soil transport phases of the project, there would be disruption in travel along the Bayshore Bikeway and Saturn Boulevard bike path. To minimize any conflicts between construction vehicles and the public, the contractor would be required to have a flagger present at the Main Street and Bay Boulevard construction access and egress points to ensure safe crossing onto the Bayshore Bikeway. In addition, the bike path on Saturn Boulevard would temporarily be rerouted along the eastern perimeter of the Otay River Floodplain, as shown in Figure 2-2, Project Features. This alternative would be consistent with this provision of the CCA.</p>	<p>Consistent with the discussion for Alternative B, Alternative C would not result in any permanent changes to the current public access routes along the south end of San Diego Bay. In addition, the measures described for Alternative B to minimize any conflicts between construction vehicles and the public would also be implemented under Alternative C. This alternative would be consistent with this provision of the CCA.</p>
<p>Article 2 Section 30211. Development not to interfere with access. 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.</p>	<p>The proposed project sites are not located adjacent or in proximity to the beach, therefore, the implementation of Alternative B would not interfere with the public's right to access the sea.</p>	<p>Same as Alternative B.</p>

APPENDIX N (Continued)

Otay River Estuary Restoration Project Consistency with the Coastal Resources Planning and Management Policies of the California Coastal Act

Provision	Alternative B-Intertidal Alternative	Alternative C-Subtidal Alternative
<p>Article 2 Section 30212. New development projects. Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.</p>	<p>Alternative B involves the restoration of coastal wetlands, and does not propose development. This section of the CCA is not applicable to the project.</p>	<p>Same as Alternative B.</p>
<p>Article 2 Section 30212.5 Public facilities; distribution. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.</p>	<p>Alternative B does not include any public facilities, this section of the CCA is not applicable to the project.</p>	<p>Same as Alternative B.</p>
<p>Article 2 Section 303213. Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The Commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.</p>	<p>Alternative B does not propose any recreational facilities. In addition, the site does not include any areas that could support development of these facilities. This section is not applicable to the project.</p>	<p>Same as Alternative B.</p>

APPENDIX N (Continued)

Otay River Estuary Restoration Project Consistency with the Coastal Resources Planning and Management Policies of the California Coastal Act

Provision	Alternative B-Intertidal Alternative	Alternative C-Subtidal Alternative
Article 2 Section 30214(a) Implementation of public access policies; legislative intent. 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.	Although public access within the restored project site is not proposed, Alternative B is consistent to the maximum extent practicable with this section of the CCA. The anticipated presence of federally and state listed endangered and threatened species within the restored sites, as well as the sensitive coastal wetland habitat that supports them necessitates the need to regulate public access within this site.	Same as Alternative B/
Article 3 Section 30220. Protection of certain water-oriented activities: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.	Alternative B would not impact the limited existing water-oriented recreational activities that surround the project site in south San Diego Bay. However, to protect sensitive resources, no new public access would be granted to the project site following restoration.	Same as Alternative B.
Article 3 Section 30221. Oceanfront land; protection for recreational use and development: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.	Alternative B would not be implemented on oceanfront land, therefore, this section is not applicable.	Same as Alternative B.
Article 3 Section 30222 Private lands; priority of development purposes: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal dependent industry.	Alternative B would implement restoration on the San Diego National Wildlife Refuge public lands acquired to conserve listed species, migratory birds, and coastal wetlands. This section of the CCA is not applicable to this action.	Same as Alternative B.
Article 3 Section 30222.5. Oceanfront lands; aquaculture; priority: Oceanfront land that is suitable for costal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.	Alternative B would implement restoration on the San Diego NWR, which was established to conserve listed species, migratory birds, and coastal wetlands. Aquaculture is not considered a compatible use on this NWR.	Same as Alternative B.

APPENDIX N (Continued)

Otay River Estuary Restoration Project Consistency with the Coastal Resources Planning and Management Policies of the California Coastal Act

Provision	Alternative B-Intertidal Alternative	Alternative C-Subtidal Alternative
Article 3 Section 30223. Upland Areas: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.	The uplands within the Otay River Floodplain Site are not currently open to public access, although opportunities for public access are and will continue to be provided further to the east on the Refuge. The implementation of Alternative B would restore existing uplands to coastal wetland habitat, consistent with the recommendation of the San Diego Bay NWR Comprehensive Conservation Plan (USFWS 2006). It is not feasible to reserve this area for coastal recreational uses.	Same as Alternative B.
Article 3 Section 30224. Recreational boating use; encouragement; facilities. Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.	The Otay River Floodplain Site is upland area not suitable for boating, and the Pond 15 Site is not appropriate for recreational boating due to the shallow water habitat, need to protect sensitive species and habitat, and the public access restriction in this area.	Same as Alternative B.
Article 4 Section 30230. Marine resources; maintenance: Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that would sustain the biological productivity of coastal waters and that would maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.	The implementation of Alternative B involves the restoration of coastal wetlands, include shallow, subtidal marine habitat. The restored habitat, which would be managed to sustain the biological productivity of the habitat, is intended to support a range of organisms from plants and benthic invertebrates to fish and a variety of avian species. This alternative is consistent with this section of the CCA.	The implementation of Alternative C would be similar to Alternative B, but additional subtidal habitat would be provided under this alternative. This alternative is consistent with this section of the CCA.

APPENDIX N (Continued)

Otay River Estuary Restoration Project Consistency with the Coastal Resources Planning and Management Policies of the California Coastal Act

Provision	Alternative B-Intertidal Alternative	Alternative C-Subtidal Alternative
<p>Article 4 Section 30231. Biological productivity; water quality: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.</p>	<p>The implementation of Alternative B would restore tidal influence to the Otay River Floodplain and Pond 15 sites; sites that historically supported intertidal habitat. The restored wetlands in these areas would provide benefits to water quality within south San Diego Bay. This alternative is consistent with this section of the CCA.</p>	<p>Same as Alternative B.</p>
<p>Article 4 Section 30232 Oil and hazardous substance spills. 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.</p>	<p>Under Alternative B, best management practices would be implemented during project construction to avoid or minimize the potential for impacts to water quality related to spills. In addition, these best management practices include measures to ensure that effective containment and cleanup procedures are in place and can be rapidly executed to fully address any accidental spills that might occur. This alternative is consistent to the maximum extent practicable with this section of the CCA.</p>	<p>Same as Alternative B.</p>
<p>Article 4 Section 30233 Diking, filling, or dredging; continued movement of sediment and nutrients</p> <p>(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.</p> <p>(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and</p>	<p>Under Alternative B, excavation of the Otay River Floodplain is proposed to restore coastal wetlands to an area filled in the early 1900s. The excavated material would be used to fill Pond 15 to achieve elevations suitable for supporting subtidal and intertidal wetlands including shallow subtidal, intertidal mudflat, and salt marsh habitat. Best management practices would be implemented during construction to avoid or minimize siltation within San Diego Bay that could lead to increased turbidity levels in the south end of the Bay. In addition, the plans to restore the two project sites under Alternative B have been designed to ensure that tidal</p>	<p>Same as Alternative B.</p>

APPENDIX N (Continued)

Otay River Estuary Restoration Project Consistency with the Coastal Resources Planning and Management Policies of the California Coastal Act

Provision	Alternative B-Intertidal Alternative	Alternative C-Subtidal Alternative
<p>wildlife habitats and water circulation. Dredge points suitable for beach replenishment should be transported for these purposes to the appropriate beaches or into suitable longshore current systems.</p> <p>(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.</p> <p>(d) Erosion control and flood control facilities construction on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects.</p>	<p>velocities moving in and out of the site would not result in erosion within or downstream of the project site, nor would it impact marine or wildlife habitat. Post-construction monitoring would be conducted to ensure that the restored systems are functioning as planned. This alternative is consistent with this section of the CCA.</p>	
<p>Article 4 Section 30234 Commercial fishing and recreational boating facilities. Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.</p>	<p>The project site does not currently support commercial fishing or recreational boating activity. Following restoration, the restored wetlands would support resources that are highly susceptible to disturbance, therefore, fishing and boating within the restored project site is not considered compatible with the purposes for which the San Diego Bay NWR was established. This section of the CCA is not applicable to this alternative.</p>	<p>Same as Alternative B.</p>

APPENDIX N (Continued)

Otay River Estuary Restoration Project Consistency with the Coastal Resources Planning and Management Policies of the California Coastal Act

Provision	Alternative B-Intertidal Alternative	Alternative C-Subtidal Alternative
Article 4 Section 30234.5 Economic, commercial, and recreational importance of fishing. The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.	Refer to the response for Article 4 Section 30234. Note that under Alternative B, restoration of wetland habitat would expand the acreage of habitat available to support fish in San Diego Bay, including nursery areas for commercial and recreational fish species.	Same as Alternative B.
Article 4 Section 30235 Construction altering natural shoreline Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shorelines processes shall be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline can supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.	No natural shoreline is present within the project boundary; all of the area to be restored has been disturbed in the past by development of the salt ponds, the salt pond levees, and/or adjacent transportation routes including, a railroad and the Bayshore Bikeway. This section of the CCA is not applicable to this alternative.	Same as Alternative B.
Article 4 Section 30236 Water Supply and Flood Control. Channelization, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.	The project proposes an additional berm in the southern portion of the Otay River Floodplain Site to ensure flood control in this area. However, the main purpose of this project is the improvement of wildlife habitat. Alternative B is consistent with this section of the CCA.	Same as Alternative B.
Article 5 Section 30240 Environmentally Sensitive Habitat Areas (a)Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent of those resources shall be allowed within those areas.	Management of lands included within the National Wildlife Refuge System is consistent with this section of the CCA to the maximum extent possible under existing laws, policies, and guidelines. Adequate measures have been incorporated into the scope of the project under Alternative B to reduce the potential for impacts to environmentally sensitive	Same as Alternative B.

APPENDIX N (Continued)

Otay River Estuary Restoration Project Consistency with the Coastal Resources Planning and Management Policies of the California Coastal Act

Provision	Alternative B-Intertidal Alternative	Alternative C-Subtidal Alternative
(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.	lands on-site and adjacent to the restoration site to below a level of significance. These measures include avoiding construction during the nesting season, restricting construction activity to the project footprint, and implementing pre- and post-construction monitoring of biological resources. In addition, this alternative would restore additional acreage of environmentally sensitive lands within San Diego Bay.	
Article 5 Section 30241 Prime Agricultural Land; Maintenance in Agricultural Production The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following.	The project site does not include any areas identified as prime agricultural land. This section of the CCA is therefore not applicable to Alternative B.	Same as Alternative B.
Article 5 Section 30241.5 Agricultural land; determination of viability of uses; economic feasibility evaluation If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of viability shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements.	There are no existing agricultural uses on the proposed project site; therefore this section of the CCA is not applicable to Alternative B.	Same as Alternative B.
Article 5 Section 30242 Lands suitable for agricultural use; conversion All other lands suitable for agricultural use shall not be converted to non-agricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion	Neither the Otay River Floodplain Site (a former salt pond), nor the Pond 15 Site (an active salt pond) are suitable for agriculture uses. This section of the CCA is therefore not applicable to Alternative B.	Same as Alternative B.

APPENDIX N (Continued)

Otay River Estuary Restoration Project Consistency with the Coastal Resources Planning and Management Policies of the California Coastal Act

Provision	Alternative B-Intertidal Alternative	Alternative C-Subtidal Alternative
<p>Article 5 Section 30243 Productivity of soils and timberlands; conversion</p> <p>The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.</p>	<p>This section of the CCA is not applicable to Alternative B.</p>	<p>This section of the CCA is not applicable to Alternative C.</p>
<p>Article 5 Section 30244 Archeological or Paleontological Resources</p> <p>Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.</p>	<p>Based on the formations underlying the project site, there is low potential for paleontological resources. Based on the results of a cultural resources investigation, the construction design proposed under Alternative B has been modified to avoid known archaeological resources in the vicinity of the project. In addition, cultural resource monitors would be present during all excavation. If resources are encountered, excavation would be stopped and the appropriate entities, including the SHPO would be consulted. This alternative is consistent with this section of the CCA.</p>	<p>Same as Alternative B.</p>
<p>Article 6 Section 30250: Location; existing developed area</p> <p>(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it would not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.</p>	<p>The project does not involve the development of residential, commercial, or industrial uses. Therefore this section of the CCA is not applicable to Alternative B.</p>	<p>The project does not involve the development of residential, commercial, or industrial uses. Therefore this section of the CCA is not applicable to Alternative C.</p>

APPENDIX N (Continued)

Otay River Estuary Restoration Project Consistency with the Coastal Resources Planning and Management Policies of the California Coastal Act

Provision	Alternative B-Intertidal Alternative	Alternative C-Subtidal Alternative
<p>(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.</p> <p>(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.</p>		
<p>Article 6 Section 30251 Scenic and Visual Qualities</p> <p>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.</p>	<p>Alternative B proposes the restoration of native coastal wetland habitat. No obstruction of views from surrounding public or private properties would occur and the existing scenic quality of the area would not be degraded. This alternative is therefore consistent with this section of the CCA.</p>	<p>Same as Alternative B.</p>
<p>Article 6 Section 30252 Maintenance and enhancement of public access</p> <p>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 would 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</p>	<p>This section only addresses access issues related to the development of residential, commercial, or industrial uses and no such uses are proposed. This section of the CCA is therefore not applicable to Alternative B.</p>	<p>Same as Alternative B.</p>

APPENDIX N (Continued)

Otay River Estuary Restoration Project Consistency with the Coastal Resources Planning and Management Policies of the California Coastal Act

Provision	Alternative B-Intertidal Alternative	Alternative C-Subtidal Alternative
<p>new residents would 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.</p>		
<p>Article 6 Section 30253 (1) New development shall: Minimize risks to life and property in areas of high geologic, flood, and fire hazard.</p>	<p>Fluvial and tidal hydraulics modeling was conducted for the restoration design that would be implemented under Alternative B. Fluvial modeling identified the potential for projected increase over existing conditions of increased flooding levels downstream of the Otay River Floodplain Site during the 100-year flood as a result of lowering the site elevations to accommodate restoration. To address this effect, the following measure has been incorporated into the scope of the project to avoid exacerbating current predicted flood levels downstream of the project: the height of the existing levee between Ponds 22 and 23 would be raised by 2 to 3 feet to direct floodwaters through the salt works to the east of the Otay River rather than allowing the water to overtop the levee and flow down the river toward the residential development of the southwest. In addition, to restrict tidal flows to the project site and avoid introducing tidal action to the Port property located immediately to the south of the Otay River Floodplain Site, a berm would be constructed between the restored wetland habitat and the adjacent Port property. As a result, no changes to the existing tidal or flood regime within the Port property would occur. Implementing these measures would avoid significant adverse effects related to flooding. This alternative is consistent to the maximum extent practicable with this section of the CCA.</p>	

APPENDIX N (Continued)

Otay River Estuary Restoration Project Consistency with the Coastal Resources Planning and Management Policies of the California Coastal Act

Provision	Alternative B-Intertidal Alternative	Alternative C-Subtidal Alternative
<p>Article 6 Section 30253 (2) New development shall: Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.</p>	<p>Implementing Alternative B would not create or contribute significantly to erosion within San Diego Bay or the outer levees of the existing salt ponds. The proposal to increase the elevation of the levee between Ponds 22 and 23 and to construct a berm between the Port property and the restoration site within the Otay River Floodplain would not occur in proximity to any existing coastal bluffs or cliffs and . This would not substantially alter the natural landform in the area. This alternative is consistent with this section of the CCA.</p>	<p>Same as Alternative B.</p>
<p>Article 6 Section 30253(3) New development shall: Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.</p>	<p>Impacts related to air quality and greenhouse gas emissions were analyzed as part of the environmental impact analysis for this project. As a result, measures were incorporated into the scope of the project to ensure that PM₁₀ emissions and fugitive dust generated during project construction would not exceed acceptable levels and would be consistent with the requirements imposed by the San Diego Air Pollution Control District (SDAPCD) and the State Air Resources Control Board. Following construction, the only air emission that would be associated with this project would involve occasional vehicle trips associated with habitat management, maintenance, and monitoring. The emissions generated from post-construction activities would not exceed established thresholds. This alternative would be consistent with this section of the CCA.</p>	<p>Same as Alternative B.</p>
<p>Article 6 Section 30253 (4) New development shall: Minimize energy consumption and vehicle miles traveled.</p>	<p>Although the final construction method has not yet been finalized, two of the potential options for moving the excavated material from the Otay River Floodplain Site to the Pond 15 Method would eliminate the need to truck the material around the south end of San Diego Bay, resulting in significant reductions in fuel consumption and vehicle miles traveled. The third option would involve haul truck trips between</p>	<p>This alternative would require increased truck trips from the Alternative B. However, once construction is complete, only minimal increase in vehicle miles traveled would be required to ensure proper monitoring and maintenance. Therefore, This alternative would be consistent with this policy.</p>

APPENDIX N (Continued)

Otay River Estuary Restoration Project Consistency with the Coastal Resources Planning and Management Policies of the California Coastal Act

Provision	Alternative B-Intertidal Alternative	Alternative C-Subtidal Alternative
	the two project sites. However, these would only be during construction. During operations, truck trips would minimally increase over the existing condition for maintenance and monitoring. This alternative would not reduce vehicle miles traveled, but would minimize vehicle miles traveled. This alternative would be consistent with this policy.	
Article 6 Section 30253(5) New development shall: Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.	No significant adverse impacts to the communities or neighborhoods surrounding the project site are anticipated as a result of implementing Alternative B. This alternative would be consistent with this section of the CCA.	Same as Alternative B.
Article 6 Section 30254 Public Works Facilities New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.	The project does not involve the development of public works facilities. This section is not applicable to Alternative B.	Same as Alternative B.

APPENDIX N (Continued)

Otay River Estuary Restoration Project Consistency with the Coastal Resources Planning and Management Policies of the California Coastal Act

Provision	Alternative B-Intertidal Alternative	Alternative C-Subtidal Alternative
<p>Article 6 Section 30254.5 Terms or conditions on sewage treatment plant development; prohibition</p> <p>Notwithstanding any other provision of law, the Commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the Commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections <u>30254</u> and <u>30412</u>.</p>	<p>The project does not propose a sewage treatment plant. This section is not applicable to Alternative B.</p>	<p>Same as Alternative B.</p>
<p>Article 6 Section 30255 Priority of Coastal Dependent Developments</p> <p>Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.</p>	<p>The implementation of Alternative B would result in coastal wetland restoration, which is a coastal dependent project, However, this project does not involve development, therefore, this section of the CCA is not applicable to this alternative.</p>	<p>Same as Alternative B.</p>
<p>Article 7</p> <p>Industrial Development</p>	<p>The project does not propose new or expanded industrial development. This Article is not applicable to Alternative B.</p>	<p>Same as Alternative B.</p>