



# PUBLIC NOTICE

## APPLICATION FOR A PERMIT, AGUA HEDIONDA CREEK AND CALAVERA CREEK DREDGING PROJECT

*LOS ANGELES DISTRICT*

**Public Notice/Application No.:** SPL-2011-01201-PJB

**Comment Period:** January 11, 2012 through February 11, 2012

**Project Manager:** Peggy Bartels; (760) 602-4832; [Peggy.J.Bartels@usace.army.mil](mailto:Peggy.J.Bartels@usace.army.mil)

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**Location**

The project lies in the United States (U.S.) Geological Survey (USGS) 7.5-minute map, San Luis Rey quadrangle map. The latitude and longitude of confluence is -117.2961 West decimal degrees and 33.1502 North decimal degrees. Specifically, the proposed Aqua Hedionda Creek and Calavera Creek Dredging Project (project) is located at the intersection of El Camino Real Bridge and Cannon Road in Carlsbad, California (Figure 1).

**Activity**

The proposed activity is to dredge approximately 30,000 cubic yards (cy) from Agua Hedionda Creek and Calavera Creek to protect a portion of the Rancho Carlsbad community from one-hundred year storm flood events. Additionally, rock slope protection will be placed in areas of potential scour and erosion, two riprap drop structures will be placed in Agua Hedionda Creek, six gabion drop structures will be placed in Calavera Creek, and two access roads will be developed (Figure 2). For more information, refer to pages 4 and 5 of this notice regarding the proposed project.

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act (CWA) of 1972 (33 U.S.C. 1344).

Comments should be mailed to the following address:

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch – South Coast Branch  
Carlsbad Field Office  
ATTN: Peggy Bartels  
6010 Hidden Valley Road, Suite 105  
Carlsbad, California 92011

Alternatively, comments can be sent electronically to [Peggy.J.Bartels@usace.army.mil](mailto:Peggy.J.Bartels@usace.army.mil).

### **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest factors. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof. Factors that will be considered include conservation, general environmental concerns, wetlands, cultural values, fish and wildlife values, and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the U.S. Environmental Protection Agency (EPA) Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the CWA.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an environmental assessment and/or an environmental impact statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

### **Preliminary Review of Selected Factors**

***Environmental Impact Statement Determination*** – A preliminary determination was made that an environmental impact statement is not required for the proposed work.

***Water Quality*** – The Applicant is required to obtain water quality certification, under Section 401 of the CWA, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit and provide proof of water quality certification to the Corps prior to permit issuance.

***Coastal Zone Management*** – For those projects in or affecting the coastal zone, the federal Coastal Zone Management Act requires that prior to the Corps issuing authorization for the

project, the Applicant must obtain concurrence from the California Coastal Commission (CCC) that the project is consistent with the state's Coastal Zone Management Plan. Based on a review of the City of Carlsbad's (City) Local Coastal Program (LCP) Coastal Zone Planning Area Map (2001), approximately 0.74 acre is located in the Coastal Zone Planning Area. Therefore, the Applicant is required to obtain a Coastal Zone Management consistency certification to the Corps prior to permit issuance.

**Cultural Resources** – A Cultural Resources Inventory for the project was prepared in June of 2006. The Cultural Resources Inventory summarized the results of a record search and pedestrian survey of the Project. Previously recorded archaeological resources are located within a 1-mile radius of the project. Adjacent peripheral areas near the project have been disturbed by modern, urban activities including road construction, commercial parking lots, and stream channelization. The Corps will consult with the California State Historic Preservation Officer (SHPO) and the California Native American Heritage Commission as required under Section 106 of the National Historic Preservation Act.

**Endangered Species** – Protocol surveys were conducted in 2011 for least Bell's vireo (*Vireo bellii pusillus*, vireo; federally listed endangered), southwestern willow flycatcher (*Empidonax traillii extimus*, flycatcher; federally listed endangered), and Coastal California gnatcatcher (*Polioptila californica*, gnatcatcher; federally listed threatened).

Protocol surveys for vireo, flycatcher, and gnatcatcher were also conducted in 2011 on the proposed mitigation site (Figure 3). One vireo was observed within the project site and one gnatcatcher was observed within the mitigation site. Work will be conducted outside of the breeding seasons for these three avian species and therefore, pursuant to Endangered Species Act of 1973, no section 7 consultation will be conducted by the Corps with the U.S. Fish and Wildlife Service for the proposed project.

**Public Hearing** – Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing. Upon receipt of one or more requests, the Corps will determine if there is sufficient interest or need for a public hearing.

### **Proposed Project**

#### **Basic Project Purpose**

The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is *water-dependent*. The Section 404(b)(1) Guidelines state that if an activity associated with the discharge proposed for a water body does not require access or proximity to, or siting within, water to fulfill its basic purpose, the activity is not water-dependent. The proposed project's basic project purpose is not water dependent. The basic project purpose is to protect homes from flooding.

#### **Overall Project Purpose**

The overall project purpose serves as the basis for the Corp's section 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more

specifically describes the applicant's goals and accounts for logistical considerations for the project, and which allows a reasonable range of alternatives to be analyzed. It is critical that the overall project purpose be defined to provide for a meaningful evaluation of alternatives. It should not be so narrowly defined as to give undue deference to the applicant's wishes, thereby unreasonably limiting the consideration of alternatives. Conversely, it should not be so broadly defined as to render the evaluation unreasonable and meaningless. The overall project purpose is to provide 100-year storm flood protection to about 50 percent of the homes in the Rancho Carlsbad community.

### **Project Description**

The Corps determined the proposed project results in fill of jurisdictional waters of the U.S. and requires a Standard Individual Permit (SIP) subject to the CWA Section 404(b)(1) guidelines. The potential waters of the U.S. impacts are specified on page 1 above. The Corps will complete a Section 404(b)(1) alternatives analysis and identify the least environmentally damaging practicable alternative (LEDPA), and then will determine requisite compensatory mitigation measures for unavoidable impacts.

#### ***Agua Hedionda Creek-***

Excavation will occur along approximately 3,000 linear feet of the Agua Hedionda Creek to widen the streambed up to 85 feet, and deepen the streambed by 6-8 feet (Figures 2 and 4). Proposed excavation of Agua Hedionda Creek to protect approximately 50 percent of the Rancho Carlsbad residential community from a 100-year flow event includes the following work activities:

- excavation of approximately 30,000 cy of sediment and other materials;
- removal of a timber retaining wall and installation of riprap to protect the slope where the existing wall is located (approximately 400 cy);
- slope stabilization (for areas subject to erosion or scour) with slope treatment material such as Vmax;
- placement of riprap along the toe of the proposed channel slope and areas subject to erosion and scour (approximately 2,600 cy, 0.79 acre);
- removal and replacement of oversize drains and culverts within the limits of the 1.5:1 (H:V) slopes;
- installation of two riprap drop structures to control velocity (approximately 2,520 cy and 0.2 acre); and
- conduct temporary dewatering and install a temporary channel diversion and/or a temporary bulkhead at the bridge crossing of Rancho Carlsbad Drive to complete the excavation process.

#### ***Calavera Creek-***

Excavation will occur along 300 linear feet of Calavera Creek. The streambed would be widened to a bottom width of 9 feet with 1.5:1 (H:V) side slopes (Figure 2). Riprap slopes are not proposed for this creek. Proposed excavation of Calavera Creek includes the following work activities:

- excavation of approximately 600 cy of sediment and other materials;
- repair and native vegetation enhancement of slopes;

- installation of six gabion drop structures to control velocity (approximately 100 cy); and
- remove an existing ornamental wall (approximately 380 linear feet) adjacent to Calavera Creek to allow for access during construction activities. Then, reconstruct the ornamental wall following dredging and improvements to the creek.

To excavate both creeks, an access road would be constructed near the confluence of Agua Hedionda and Calavera Creeks to provide access for excavation equipment in the creeks (Figure 2). Approximately 5,000 cy of material would be excavated from the creek bank and the elevated area above the creek bank to construct the access road. Approximately 200 cy of rock slope protection would be installed for slope stability. A second access road would be constructed to enter Agua Hedionda Creek between the El Camino and Cannon Road bridges (Figure 2). The proposed access road would extend from the existing paved access road, which is shown as a staging area in Figure 2 to the creek bank.

### **Excavation Methodology and Schedule**

Construction activities for the work in Agua Hedionda and Calavera Creeks include mobilization, staging area, temporary material storage, and equipment setup as well as dredging. Initial dewatering and dredging will begin in Agua Hedionda Creek upstream at Rancho Carlsbad Drive; excavation will proceed downstream. If water is present upstream, a temporary channel diversion or a temporary bulkhead will be installed at the bridge crossing of Rancho Carlsbad Drive. Submersible pumps and temporary culverts will be used to convey the upstream water bypassing the excavation site until the dredge removal work has been completed. Construction is limited to outside of the avian breeding season and will be conducted between September 16 and March 14.

Channelization, deepening, and widening of Calavera Creek includes dredging activities, drop structure installation, and slope restoration. Due to the narrow configuration of the Calavera Creek, heavy equipment will not be used. Instead, smaller equipment will be used, such as front-end loaders for the placement of rock, excavators for demolition and reconstruction of the ornamental wall, compaction equipment, and extensive labor with hand tools for the excavation and slope restoration work. Dredging of Calavera Creek will take up to 5 working days while the remaining slope restoration will be completed in about 45 working days.

### **Mobilization and Staging Areas**

Staging areas will be restricted to developed areas or areas with nonnative/ornamental vegetation (Figure 2). A City owned parcel located between the north side of Cannon Road and the northeast side of El Camino Real will be used for staging activities, as well as the existing access road located west of the Cannon Road and El Camino Real bridges. Activities are expected to include equipment assembly and maintenance, equipment storage, material stockpiling, and dewatering of dredge material prior to transfer to the beach replenishment site.

### **Dredge Material Storage and Disposal**

There are two possibilities for disposal of the dredge spoils excavated material from Agua Hedionda and Calavera Creeks. The City will inquire with the City of Vista and the University of California San Diego conservation area upstream in Agua Hedionda Creek to determine if the

spoils can be reused in their planned rehabilitation of Agua Hedionda Creek. The City may also choose to dispose of the spoils in an approved upland disposal site.

**Construction Traffic/Haul Route**

Approximately 1,650 truck trips will be used to dispose of the dredge spoils and excavated material (assuming 20 cy truck capacity). Up to 6 trucks will be used each day, meaning each truck would make at least 5 round-trips per day (or more, if fewer trucks are used).

**Additional Project Information**

**Baseline Conditions** – Table 1 lists the potential waters and wetlands of the U.S. in the review area.

Table 1. Potential Waters and Wetlands of the U.S. within the Project Review Area.

<b>Feature</b>	<b>Type of Habitat (Cowardin et al. 1979)</b>	<b>Area of Aquatic Resource (acres)</b>
<b>Agua Hedionda Creek</b>		
Unvegetated Waters of the U.S.	Riverine; Unconsolidated Bottom, Sand, Intermittently Flooded, Fresh	3.18
Southern Willow Scrub/Riparian Forest	Palustrine; Scrub/Shrub-Forested, Broad-leaved, Deciduous, Seasonally Flooded, Fresh	0.55
<i>Subtotal - Agua Hedionda Creek</i>		<i>3.73</i>
<b>Calavera Creek</b>		
Unvegetated Waters of the U.S.	Riverine; Unconsolidated Bottom, Sand, Intermittently Flooded, Fresh	0.17
<i>Subtotal – Calavera Creek</i>		<i>0.17</i>
<b>Total Area</b>		<b>3.90</b>

**Applicant’s Proposed Mitigation – Waters of the U.S.** – As stipulated in Section 404 of the CWA, impacts to wetlands must be avoided to the maximum extent practicable. When avoidance is not practicable, the Applicant is required to minimize impacts and mitigate for the loss of aquatic resources. Mitigation for the proposed project will be performed in a manner that ensures no net loss of wetlands and waters of the U.S. The City proposes to mitigate for approximately 4.5 acre of permanent and temporary impacts through a combination of re-establishment and enhancement of the floodplain on Calavera Creek (Figure 3).

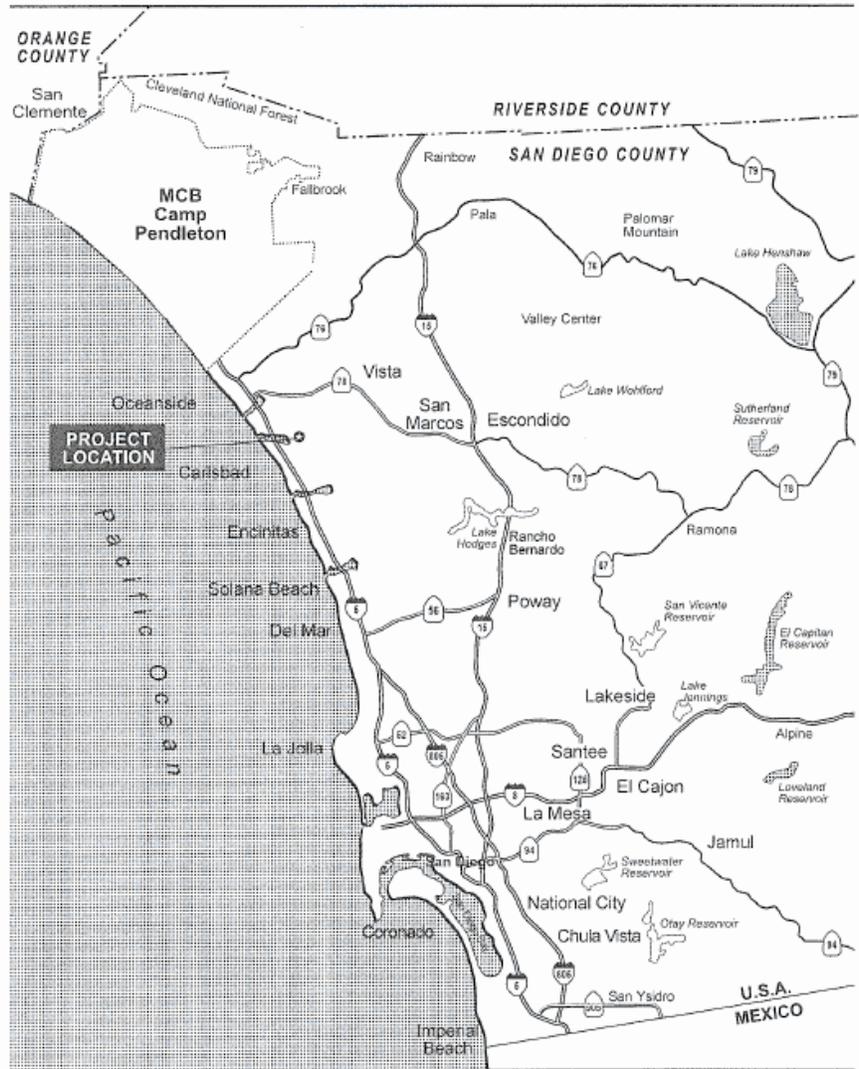
**Previous Channel Configuration Work**

According to plans dated June 1969, in conjunction with the development of the Rancho Carlsbad community, approximately 1.2 miles of the Agua Hedionda and Calavera Creeks were reconstructed and channelized as part of the overall development for the Rancho Carlsbad community. In 1998, additional channel enhancement and repair work occurred west of El Camino Real with the construction of Cannon Road Bridge over Agua Hedionda Creek. Lastly in March 2006, emergency channel dredging was conducted in portions of Agua Hedionda and Calavera Creeks to provide flood protection for the residential community of Rancho Carlsbad and approximately 17,000 cy of sediment and material was excavated.

**Proposed Special Conditions**

There are no special conditions identified for the proposed project at this time.

For additional information please call Peggy Bartels at (760) 602-4832. This public notice is issued by the Chief, Regulatory Branch.



North arrow icon  
No Scale  
Inset map of California showing the location of San Diego County

**Figure 1**  
**Regional Location Map**  
**Project Location**

Agua Hedionda & Calavera Creeks Drainage Improvement Project

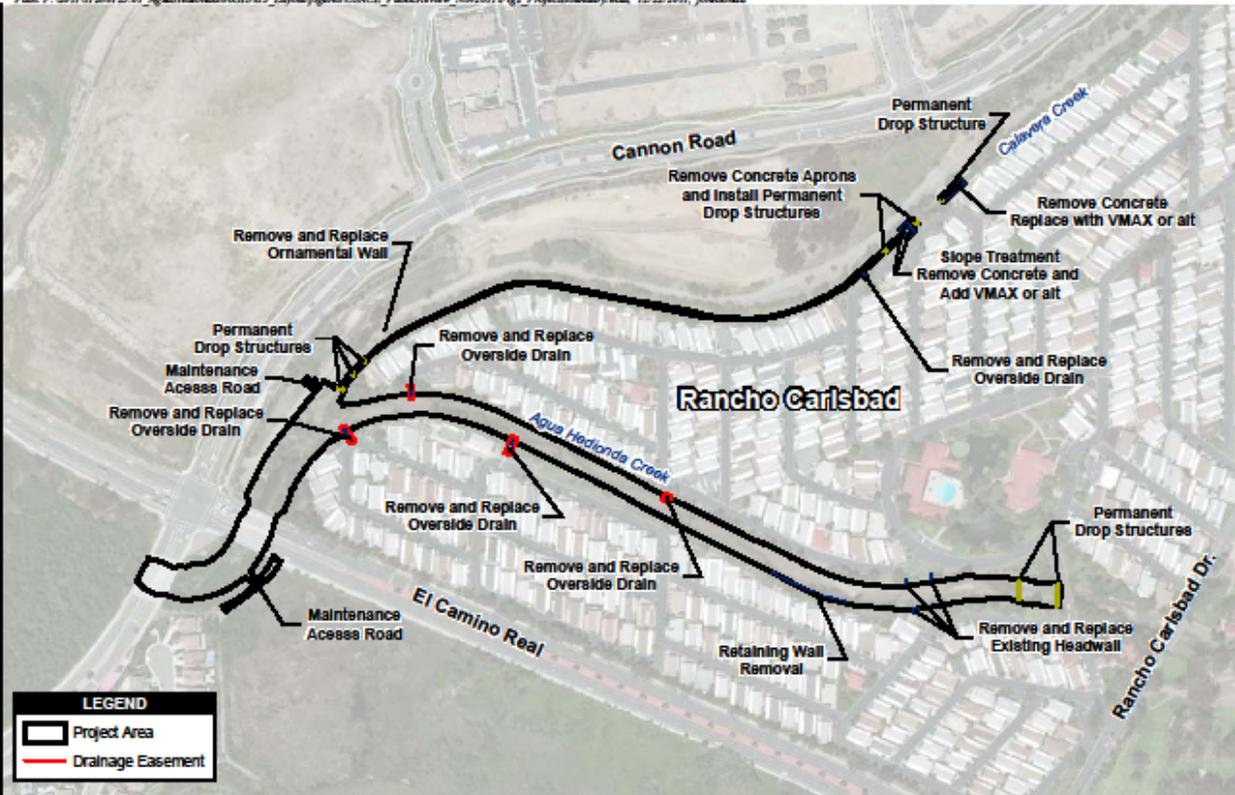


Figure 2  
Agua Hedionda and Calavera Creeks Project Boundary

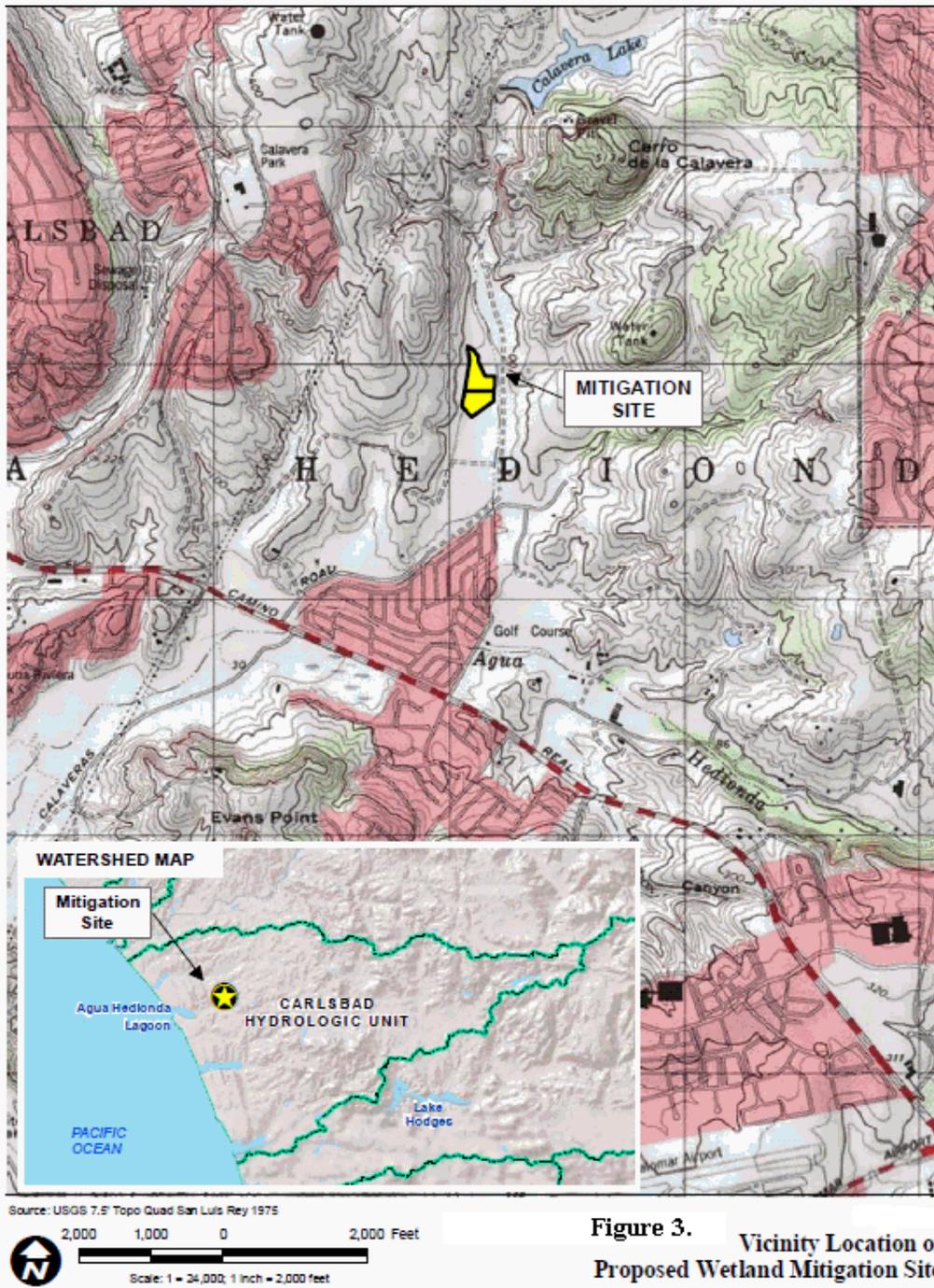


Figure 3. Vicinity Location of Proposed Wetland Mitigation Site

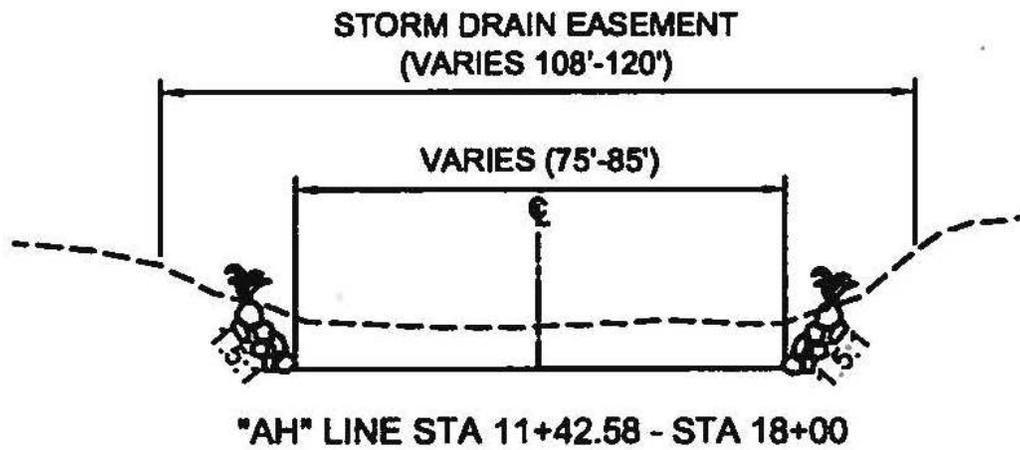


Figure 4. Shows the lateral view of excavation in Agua Hedionda.

Dashed line shows the native streambed.

Pictorials on either side show the area of streambank stabilization and plantings at the top of the banks.  
Width of Agua Hedionda channel is shown as 75-85 feet.