



SPECIAL PUBLIC NOTICE

NOTICE OF INTENT TO PREPARE A DRAFT
ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENT IMPACT REPORT (DEIS/DEIR)

LOS ANGELES DISTRICT

Public Notice/Application No.: CESPL-2009-00575-MLM

Project: San Elijo Lagoon Restoration Project, City of Encinitas, San Diego County, California

Comment Period: November 7, 2011 through December 18, 2011

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County Project Manager: Megan Hamilton; (858) 966-1377; Megan.Hamilton@sdcounty.ca.gov

Applicant

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Location

San Elijo Lagoon is located in the city of Encinitas, San Diego County, California. The lagoon is the terminus of the Escondido Creek and La Orilla Creek watersheds at the Pacific Ocean [latitude: 33deg 0min 32.3sec (N), longitude: 117deg 15min 41.0sec (W)].

Activity

The United States (U.S.) Army Corps of Engineers (Corps), in conjunction with the County of San Diego Department of Parks and Recreation (County Parks), is preparing a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the proposed San Elijo Lagoon Restoration Project (SELRP). The SELRP is an effort to restore estuarine functions and services to the greatest extent practicable in light of permanent constraints. The SELRP would improve tidal influence by modifying and maintaining the existing inlet of the lagoon or by constructing a new, permanently open lagoon inlet. Habitat diversity and other wetland functions and services would also be improved by modifying existing tidal channels, grading new tidal channels, and/or by grading areas specified by a range of tide elevations. The basic project purpose of the proposed SELRP is to restore tidal wetlands; this is a water dependent activity. The overall project purpose of the SELRP is to

enhance and restore the physical and biological functions and services of the lagoon by increasing the tidal prism to support a diverse range of habitat types.

Three restoration alternatives and the No Project/No Action alternative are being evaluated in the EIR/EIS. The study area boundaries for the SELRP are generally defined to include publicly owned parcels where restoration activities could occur. The study area encompasses approximately 960 acres within and adjacent to the Reserve, but final project size may vary, depending on the outcome of the alternatives analysis. All the restoration alternatives are designed to counteract the conversion trend to freshwater habitats and restore a range of estuarine habitat types. Therefore, increasing tidal influence is the primary action being evaluated to restore ecological functions and services. Two alternatives retain the existing tidal inlet and one constructs a new inlet further south. In addition, alternatives are being evaluated to determine if project phasing is necessary to maintain adequate habitat for sensitive aquatic species, including light footed clapper rail (*Rallus longirostris levipes*) and potentially western snowy plovers (*Charadrius alexandrinus nivosus*) and California least terns (*Sterna antillarum browni*).

Restoration alternatives evaluate varying degrees of dredging and filling portions of the three basins (West, Central, and East Basin) to restore or create a diversity of estuarine habitat types. Excess sediment from dredging could be discharged on the adjacent beach or in the nearshore zone west of the lagoon, if it is identified as suitable beach sand material. Maintenance and adaptive management strategies are also being evaluated by alternative.

Through the EIS/EIR process, an Agency Preferred Alternative will be identified and a Restoration Plan will be developed. The Restoration Plan will be consistent with the goals and objectives listed above and will fit within the overall management strategies identified in the *San Elijo Lagoon Enhancement Plan* (County Parks 1996) and the *San Elijo Lagoon Action Plan* (San Elijo Lagoon Conservancy 1998).

Implementing the Agency Preferred Alternative would require a Department of the Army permit pursuant to Section 404 of the Clean Water Act. To be authorized by the Corps, the Agency Preferred Alternative must also comply with the Section 404(b)(1) Guidelines (40 Code of Federal Regulations [CFR] Part 230) and may not be contrary to the public interest. Should the project receive a permit, it is anticipated that construction of the SELRP would begin in fall 2014.

Interested parties are hereby provided notice of intent to prepare a DEIS/DEIR as a basis for a potential future Permit Application for the SELRP. Parties interested in obtaining additional information about the SELRP can also visit <http://www.sanelijo.org/restoration>. Interested parties are invited to participate in public scoping meetings to provide their views on the project.

A series of public scoping meetings will be held on the following dates and locations:

- 1. Carlsbad: November 15, 2011 at 1:00 P.M.**

**U.S. Fish & Wildlife Service, Conference Room 1
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011**

**2. Encinitas: November 29, 2011 at 6:00 P. M.
City of Encinitas Community Center
1140 Oakcrest Park Drive
Encinitas, CA 92024**

**3. Solana Beach: December 1, 2011 at 6:00 P.M.
Holiday Inn Express Meeting Room
621 South Highway 101
Solana Beach, CA 92075**

Written comments should reference the “San Elijo Lagoon Restoration Project, CESPL-2009-00575-MLM” and may be addressed to:

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Los Angeles District, Regulatory Division
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**County of San Diego
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Parties interested in being added to the Corps’ electronic mail notification list can register at: www.spl.usace.army.mil/regulatory/register.html. This list will be used in the future to notify the public about scheduled hearings and availability of future public notices.

Federal Action:

The development of the SELRP Draft EIS/EIR and associated technical studies are being completed to determine the Agency Preferred Alternative, which would improve and/or restore wetland functions and services within the San Elijo Lagoon. Given the complexity of the alternatives analysis and range of potentially significant issues, the appropriate environmental document was determined by the Corps and County Parks to be a combined EIS/EIR, respectively. The Corps and the County Parks have agreed to jointly prepare the EIS/EIR to optimize efficiency and avoid duplication. The EIS/EIR is intended to be sufficient in scope to address federal, state, and local requirements for environmental analysis and permitting.

Federal agencies coordinating in the development of the EIS include the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and Environmental Protection

Agency (EPA).

The following federal permits and consultations are expected:

- Corps CWA Section 404 Permit
- USFWS Section 7 Consultation
- National Historic Preservation Act Section 106 consultation
- U.S. Coast Guard Navigation Permit (new inlet only)

The Corps prepared and published a Notice of Intent (NOI) to prepare a DEIS/DEIR for the proposed Project in the Federal Register (**November 7, 2011**).

State Action:

County Parks and the San Elijo Lagoon Conservancy propose to restore estuarine functions and services of the San Elijo Lagoon. County Parks will jointly lead preparation of the EIS/EIR with the Corps. Pursuant to the California Environmental Quality Act (CEQA), County Parks will serve as Lead Agency for the preparation of the EIR for its consideration and development approvals within its jurisdiction. The primary purpose of this Draft EIS/EIR is to evaluate potential significant environmental effects of each restoration alternative. Also, County Parks would use this EIR to support permit applications and other actions required to implement the Agency Preferred Alternative.

County Parks has prepared a Notice of Preparation (NOP), in accordance with the County of San Diego Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (1970, Article 1), State CEQA Guidelines (Title 14, California Code of Regulations), and the California Public Resources Code (Section 21000, et seq.).

State agencies coordinating in the development of the EIR include Department of Fish and Game (CDFG), California Coastal Commission (CCC), San Diego Regional Water Quality Control Board (SDRWQCB), State Water Resources Control Board, California Department of Transportation (Caltrans), and San Diego Association of Governments (SANDAG).

The following state permits and consultations are expected:

- SDRWQCB CWA Section 401 Water Quality Certification
- CDFG Section 1600 Streambed Alteration Agreement
- CCC Development Permit
- Air quality permits
- State Lands Commission Lease
- State Department of Parks and Recreation Encroachment Permit

Potential Environmental Issues:

A number of potential environmental issues will be addressed in the EIS/EIR for each alternative. Additional issues may be identified during the scoping process, but issues initially identified as potentially significant or that are believed to be of local concern are as follows:

- Geology and Soils: permanent impacts through the removal of sediment accumulated in the lagoon and on-going impacts resulting from as-needed maintenance activities.

- Coastal Processes: temporary impacts during construction, permanent impacts depending on tidal inlet location, and on-going impacts resulting from as needed maintenance activities.
- Hydrology: temporary impacts during construction, permanent changes in water circulation, and on-going impacts resulting from as-needed maintenance of the tidal inlet and/or interior dredging.
- Water & Aquatic Sediment Quality: impacts during construction, including turbidity, and potential impacts resulting from as-needed maintenance activities.
- Aquatic & Terrestrial Biological Resources: temporary and permanent impacts to existing species.
- Cultural & Paleontological Resources: impacts to archaeological resources, human remains, and sacred sites.
- Land Use: temporary or permanent impacts to beach use depending on inlet location.
- Recreation: temporary impacts to existing trail use during construction and potential on-going impacts resulting from as-needed maintenance activities.
- Visual Resources: temporary impacts during construction and permanent impacts associated with changes in vegetation communities and regular tidal flooding.
- Transportation and Traffic: impacts during construction and potential on-going impacts resulting from as-needed maintenance activities.
- Air Quality/Greenhouse Gas Emissions: impacts during construction and on-going impacts resulting from as-needed maintenance activities.
- Noise: impacts during construction and on-going impacts resulting from dredging or other construction equipment during as-needed maintenance activities.
- Hazards and Hazardous Materials: impacts during construction and on-going impacts resulting from as-needed maintenance activities.
- Public Services and Utilities: impacts during construction and on-going impacts resulting from as-needed maintenance activities.

Availability of the DEIS/DEIR:

The Draft EIS/EIR is expected to be published and circulated by fall 2012, and public meetings will be held after its publication.

Proposed Activity for Which an EIS is Required:

Basic Project Purpose: The basic project purpose of the proposed SELRP is to restore tidal wetlands; this is a water dependent activity.

Overall Project Purpose: The overall project purpose of the SELRP is to enhance and restore the physical and biological functions and services of the lagoon by increasing the tidal prism to support a diverse range of habitat types.

The overarching goal of the SELRP is to protect, restore, and then maintain, via adaptive management the San Elijo Lagoon ecosystem and the adjacent uplands to support a diversity of estuarine and brackish marsh habitats and associated native species of southern California. This goal can be further refined into three categories of objectives:

1. **Physical restoration of lagoon estuarine hydrologic functions;**
2. **Biological restoration of lagoon estuarine habitats; and**
3. **Management and maintenance of the lagoon to ensure long-term viability of the restoration efforts.**

Additional Project Information:

NEPA and CEQA require preparation of an EIS and EIR for actions that could significantly affect the environment. Actions subject to NEPA and CEQA requirements include projects sponsored by a governmental agency and the approval of projects over which the governmental agency has discretionary authority. The purpose of the Draft EIS/EIR is to evaluate the potential impacts of the restoration alternatives and to determine the Agency Preferred Project that minimizes adverse effects and maximizes beneficial effects. The Corps will serve as the federal Lead Agency in accordance with NEPA, and County Parks will serve as the state Lead Agency under CEQA.

Baseline Information:

The lagoon provides habitat for resident and migratory species, some of which are sensitive or listed as federally-threatened or endangered under the Endangered Species Act (ESA). However, due to encroachment by development, restricted tidal influence, and the increase of freshwater from the watershed, the San Elijo Lagoon has gradually degraded over time lowering biodiversity. Tidal influence has been restricted by infrastructure and development at the inlet of the lagoon. The Pacific Coast Highway (PCH), the North County Transit District (NCTD) railroad, and Interstate 5 (I-5) all traverse the lagoon and further modify tidal and freshwater circulation patterns and increased sediment accumulation from the watershed. Freshwater input has increased as a result of residential and commercial land uses in the 77-square-mile hydrologic watershed. Because of these hydrologic changes, lagoon habitat is rapidly transitioning from mudflats to mid-marsh habitat through the rapid expansion of cordgrass (*Spartina* spp.) and pickleweed (*Sarcoconia pacifica*) and the East Basin supports large areas of freshwater marsh vegetated primarily by cattails (*Typha* spp.). The changes have also decreased the quality of water in the lagoon causing elevated bacteria levels and increased the occurrences of beach closures during high flow events.

Mechanical breaching of the ocean inlet is routinely performed to maintain tidal flushing within the lagoon, but benefits are only temporarily realized due to the physical and hydrological changes previously mentioned. If no action is taken to restore the lagoon, functions and services will continue to degrade, further reducing the diversity of estuarine habitats and biodiversity in flora and fauna, and increasing freshwater wetland and riparian habitats. Sensitive flora and fauna currently dependent on the estuarine conditions will continue to be adversely affected.

Project Description:

Three restoration alternatives and the No Project/No Action alternative are being evaluated in the EIR/EIS. All the restoration alternatives are designed to counteract the conversion trend to freshwater habitats and restore a range of estuarine habitat types. Therefore, increasing tidal influence is the primary action being evaluated to restore ecological functions and services. Since 1996, various interested parties have devised restoration concepts and considered alternative configurations of

infrastructure that traverse the lagoon. Through an intensive process, four conceptual alternatives have been identified to be carried forward for engineering refinement and environmental evaluation:

- Alternative 1A – Intertidal Alternative (existing inlet)
- Alternative 1B – Habitat Diversity Alternative (existing inlet)
- Alternative 2A – Habitat Diversity Alternative (inlet relocated south)
- No Project/No Action

There are common design features that would be implemented in each alternative, such as micro-grading and the use of short cobble-blocking structures at the inlet. Restoration alternatives evaluate varying degrees of dredging and filling portions of the three basins (West, Central, and East Basin) to restore or create a diversity of estuarine habitat types. Excess sediment from dredging could be discharged on the adjacent beach or in the nearshore zone west of the lagoon, if it is identified as suitable beach sand material. Maintenance and adaptive management strategies are also being evaluated for each alternative (i.e. new inlet channel maintenance would differ from the existing inlet channel maintenance). The range and characteristics of the alternatives addressed in the EIS/EIR will be more fully developed based on input from the scoping process and specialized hydrological and biological technical studies that are underway.

Proposed Mitigation:

Mitigation measures will be developed during the EIS/EIR and regulatory agency permitting processes. They will be available for public review and comment when the DEIS/DEIR is published and circulated by fall 2012, during subsequent public meetings, and as part of the Public Notice process when an application is received to implement the Agency Preferred Project under Section 404 of the Clean Water Act.

Proposed Special Conditions:

The Corps will require standard special conditions related to work (dredging) and structural development in and over navigable waters of the U.S., as well as standard conditions to protect cultural resources, water quality, and federally endangered or threatened species. Special conditions may also include financial assurances, monitoring performance standards, and annual reporting. Detailed permit conditions will be developed as part of the Final EIS/EIR, the Section 404(b)(1) Alternatives Analysis.

For additional information please call Michelle Lee Mattson at (760) 602-4835 or via e-mail at Michelle.L.Mattson@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.