PUBLIC NOTICE

APPLICATION FOR PERMIT
Lindo Lake Restoration Project

Public Notice/Application No.: SPL-2019-00439-SRR
Project: Lindo Lake Restoration Project (SD County WRDA)
Comment Period: October 21 through November 20
Project Manager: Stephen Roethle; (760) 602-4835; Stephen.R.Roethle@usace.army.mil

Applicant
Crystal Benham
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Contact
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Location
The proposed project is located within Lindo Lake, city of Lakeside, San Diego County, CA (32.858307, -116.91574).

Activity
The activity consists of deepening the East and West basins of Lindo Lake, lining the basins with bentonite clay to aid in water retention, and restoration activities. (See attached drawings). For more information see Additional Project Information section below.

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today’s public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act. Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Stephen Roethle
5900 LA PLACE COURT, SUITE 100
CARLSBAD, CA 92008
The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

**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. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production 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 EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers 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 of Engineers 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

**EIS Determination** - A preliminary determination has been made 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 Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification or waiver to the Corps of Engineers prior to permit issuance.

**Coastal Zone Management** - This project is located outside the coastal zone management area and preliminary review indicates it would not affect coastal zone resources.

**Essential Fish Habitat** - No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project.

**Cultural Resources** - The latest version of the National Register of Historic Places has been consulted and there are no historic properties listed or potentially eligible for listing on the register. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

**Endangered Species** - Preliminary determinations indicate the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

**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.

**Proposed Activity for Which a Permit is Required**

**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 (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is to enhance the water quality of Lindo Lake. The project is not water dependent.

**Overall Project Purpose** - The overall project purpose serves as the basis for the Corps' 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 for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project as defined by the applicant is to 1. Enhance public access to the lake and the amenities of the park. 2. Restore and enhance the natural aquatic functions of the lake. 3. Improve habitat for aquatic and avian species.

**Additional Project Information**
Baseline information- According to the applicant’s initial delineation the project site contains a total of 25.69 acres of waters of the U.S. including 7.33 acres of wetland waters and 18.36 acres of non-wetland waters. The project would cause temporary impacts to 23.60 acres of jurisdictional areas, including 5.25 acres of wetland waters of the U.S. and 18.35 acres of non-wetland waters of the U.S. as a result of excavation and bentonite and cobble installation. The project was initially proposed to be covered under Nationwide Permit (NWP) 27 - Aquatic Habitat Restoration, Enhancement, and Establishment Activities. However the project impacts were not compatible with the terms and Conditions of NWP 27.

Project description- The project proposes excavation and grading of approximately 226,000 cubic yards of silt and sediment to re-contour the lakebed, deepen the east and west lake basins, and provide retention basins. Approximately 27,000 cubic yards of the excavated lake material would be used to stabilize the banks of the lake basins and to create graded mounds surrounding the basins, for landscaping and habitat creation. The balance of the material (approximately 199,411 cubic yards) would be exported off-site. The grading would be designed to create shallow areas in the east lake basin for nesting and fledgling young birds. The project would also install underwater features to provide shelter for fish. Following grading, the basins would be lined with bentonite clay up to the water surface level in the majority of the west basin and two feet below the water surface level in the east basin. The bentonite clay liner would assist in the reduction of groundwater percolation while improving wetland habitat. The banks of the basins would be stabilized by the placement of a layer of cobble rock extending from one foot below the water surface level in the west basin and two feet below the water surface level in the east basin, to a depth of approximately five feet in both basins. Following construction, both basins would feature a maximum depth of 10 feet, with the upper level of inundation occurring at an elevation of 394 feet above mean sea level.

Proposed Mitigation– The proposed mitigation may change as a result of comments received in response to this public notice, the applicant’s response to those comments, an updated delineation of aquatic resources, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: The project proposes to avoid and protect in place wetlands as shown in the attached Figure 8.

Minimization: The applicant has not proposed minimization measures at this time.

Compensation: The proposed project if successful would result in a 0.90-acre total increase in wetland waters, and a 1.82-acre total increase in non-wetland waters. In this case compensation would not be required.

For additional information please call Stephen Roethle of my staff at (760) 602-4835 or via e-mail at Stephen.R.Roethle@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

Regulatory Program Goals:
• To provide strong protection of the nation’s aquatic environment, including wetlands.
• To ensure the Corps provides the regulated public with fair and reasonable decisions.
• To enhance the efficiency of the Corps’ administration of its regulatory program.
FIGURE 2
Project Location on USGS Map

Project Boundary (Assessor's Parcel Number: 3941800300)
FIGURE 3
Project Location on Aerial Photograph

Image source: NearMaps (flown Jan 2017)
FIGURE 4
Soil Types

Chino Silt Loam, Saline, 0 to 2% Slopes
Grangeville Fine Sandy Loam, 0 to 2% Slopes
Placentia Sandy Loam, 5 to 9% Slopes, Eroded
Placentia Sandy Loam, Thick Surface, 2 to 9% Slopes
Visalia Sandy Loam, 2 to 5% Slopes
FIGURE 6
Existing Biological Resources

Project Boundary
Vegetation Survey Area
Holland Vegetation Classification
Unvegetated Aquatic Habitats
- 64100 - Open Water
- 64200 - Non-vegetated Channel
Native Grassland
- 42130 - Saltsgrass Grassland
Non-native Grassland
- 42200 - Non-native Grassland
Marsh Habitats
- 52410 - Freshwater Marsh
- 52310 - Cismontane Alkali Marsh
Riparian Habitats
- 63200 - Southern Willow Scrub
- 62500 - Southern Riparian Woodland
Disturbed or Developed Areas
- 79000 - Non-native Woodland
- 79100 - Eucalyptus Woodland
- 11300 - Disturbed Habitat
- 12000 - Urban/Developed
Sensitive Wildlife Species
- American White Pelican
- Double-crested Cormorant (flying overhead)

Image source: NearMaps (flown June 2018)
FIGURE 7
Jurisdictional Resources
FIGURE 8
Post-construction Vegetation

Aquatic Habitats
- Non-vegetated Channel
- Open Water

Wetland/Riparian Habitats
- Freshwater Marsh
- Cismontane Alkali Marsh
- Southern Willow Scrub
- Southern Riparian Woodland

Native Grassland
- Saltgrass Grassland

Non-native Grassland
- Non-native Grassland

Disturbed or Developed Areas
- Non-native Woodland
- Eucalyptus Woodland
- Ornamental
- Disturbed Habitat
- Urban/Developed

Image source: Nearmap (flown June 2018)
FIGURE 9
Post-construction
Jurisdictional Resources

- Project Boundary
- Revegetated Habitat
- Jurisdictional Resources
  - ACOE Non-wetland Waters of the US.
  - CDFW Lake/Streambed, RWQCB Non-wetland Waters of the State
  - ACOE Wetland Waters, CDFW Riparian, RWQCB Wetland
  - CDFW Riparian and RWQCB Wetland

Image source: Nearmap (flown June 2018)