



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT Caltrans – Interstate 5 North Coast Corridor Widening Project

Public Notice/Application No.: SPL-2004-01089-SJH

Project: Caltrans Interstate 5 North Coast Corridor Project, San Diego, California

Comment Period: November 7, 2014 through December 10, 2014

Project Manager: Stephanie Hall; (213) 452-3410; Stephanie.J.Hall@usace.army.mil

Applicant

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Contact

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Location

The proposed activities are located along the existing Interstate 5 (I-5) freeway, extending approximately 27 miles, from La Jolla Village Drive in the City of San Diego, northward to Harbor Drive in the City of Oceanside (PM R28.4 to R55.4). Specifically, the proposed activities occur within waters of the United States located in 11 watersheds (San Clemente Creek, Los Peñasquitos Lagoon, San Dieguito Lagoon, San Elijo Lagoon, Cottonwood Creek, Batiquitos Lagoon, Encina Creek, Agua Hedionda Lagoon, Buena Vista Lagoon, Loma Alta Creek and the San Luis Rey River between post miles R28.4 to R55.4) in San Diego County, California (approximate center point Lat/Long: 33.0459°/-117.2859°). Please refer to the attached Project Location Map (figure 1).

Activity

The California Department of Transportation (Caltrans) proposes to permanently impact approximately 16.1 acres and temporarily impact approximately 14 acres of waters of the U.S. through discharges of fill material associated with the following activities:

- Widening the existing 8-lane highway by adding 2 High-Occupancy Vehicle (HOV)/Managed lanes (1 in each direction, i.e., northbound/southbound) from La Jolla Village Drive to the I-5/I-805 merge over an unnamed drainage (near Genesee);
- Add 2 HOV/Managed lanes in each direction (for a total of 4) over Los Peñasquitos Creek, San Dieguito Lagoon, and San Elijo Lagoon;
- Add 4 HOV/Managed lanes (2 in each direction) from Manchester Boulevard to Harbor Drive over Batiquitos Lagoon, Agua Hedionda Lagoon, and Buena Vista Lagoon;
- Add the Manchester Bike Path;
- Add the Manchester Direct Access Ramps (DAR);

- Add the Voigt DAR;
- Add Auxiliary lanes on NB I-5 from Cannon Road to Tamarack Avenue;
- Bridge replacements at San Elijo Lagoon, Batiquitos Lagoon, Agua Hedionda Lagoon, and Buena Vista Lagoon;
- Enhance Trail Connections at Old Sorrento Valley Road Bicycle/Pedestrian;
- Install Trail Connecting Requeza Street to Encinitas Boulevard; and
- Add braided ramps between Genesee Avenue and Roselle Street.

These activities affecting waters of the U.S. are associated with the widening of the I-5 freeway, between La Jolla Village Drive at the southern end and Harbor Drive/Vandegrift Boulevard at the northern end. Additional information concerning the impacts of the proposed project and the compensatory mitigation identification and evaluation process is contained in the final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS), including its appendices. The final EIR/EIS is available on the internet at http://www.dot.ca.gov/dist11/Env_docs/I-5NCCFinal.html. A hard-copy or Compact Disk of the final EIR/EIS is also available upon request.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activities 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 (CWA) and section 10 of the Rivers and Harbors Act. Comments in response to this public notice should be mailed to:

Los Angeles District, Corps of Engineers (ATT: SPL-2004-01089-SJH)
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017-3401
Attention: Stephanie J. Hall, Senior Project Manager

Alternatively, comments may be sent electronically to: Stephanie.J.Hall@usace.army.mil

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 waters 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 application 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. This is also known as the mitigation sequence.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which 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, 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 (33 CFR §320.4). In addition, if the proposal would discharge dredged or fill material into waters of the U.S., which the proposed project would, the evaluation of the activities include application of the Environmental Protection Agency (EPA) Guidelines (40 CFR part 230) as required by section 404 (b)(1) of the CWA (also known as the Section 404(b)(1) Guidelines)).

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 activities. 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 EIS pursuant to the National Environmental Policy Act. In this case, as noted on page 2 and discussed immediately below, an Environmental Impact Report (EIR)/EIS has been prepared and is available for the proposed project and alternatives. Comments provided in response to this public notice will be considered in our preparation of a Record of Decision (ROD). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activities.

Preliminary Review of Selected Factors

EIS Determination- On January 12, 2004, a Notice of Intent (NOI) was published in the Federal Register, advising the public that the Federal Highway Administration (FHWA), in cooperation with Caltrans, would prepare an EIS for the proposed project and alternatives, following the Council on Environmental Quality (CEQ) "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA)" of November 29, 1978 (40 CFR parts 1500-1508). Pursuant to CEQ Regulation §1501.6, on June 29, 2005, the Corps accepted the Caltrans request to become a Cooperating Agency in the preparation of the EIS. In accordance with a Memorandum of Understanding (MOU) between the FHWA and Caltrans, concerning the State of California's participation in the Surface Transportation Project Delivery Pilot Program, signed June 29, 2007, Caltrans assumed the U.S. Department of Transportation Secretary's responsibilities under NEPA. A

Notice of Availability (NOA) of the draft EIR/EIS, prepared by Caltrans, under the authority of the FHWA as lead Federal agency, was published in the Federal Register on July 9, 2012, for a 90-day public review period. An NOA of the Supplemental draft EIR/EIS, prepared by Caltrans, under the authority of the FHWA as lead Federal agency, was published in the Federal Register on August 31, 2012, for a 90-day public review period. A Final "Notice of Availability" and "Notice of Final Federal Agency Action" for the proposed project will be prepared by the FHWA on behalf of Caltrans, and both notices will be published in the Federal Register in December 2014.

Pursuant to CEQ Regulation §1506.3, as a Cooperating Agency, the Corps intends to adopt the final EIR/EIS, if it is determined that the document meets the standards for an adequate statement under such regulations and the Corps' NEPA implementing regulations. A draft section 404(b)(1) alternatives analysis was prepared pursuant to the Section 404(b)(1) Guidelines and included as Appendix M in the final EIR/EIS. We will prepare our own ROD for the proposed action and alternatives, which will include a final section 404(b)(1) alternatives analysis and public interest review. As noted, comments received in response to this public notice will be considered in our ROD.

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 (RWQCB). Section 401 requires that any applicant for an individual section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- This project is located within the coastal zone and is subject to the coastal resource protection policies of the Coastal Zone Management Act (CZMA) or, as applicable to the highway and community enhancement projects, the certified Local Coastal Programs (LCPs) of the corridor cities. The California Department of Transportation and the San Diego Association of Governments have prepared the North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) to plan for and implement a series of transportation, community, and resource enhancement projects in a comprehensive and coordinated manner to meet the region's mobility vision while ensuring compliance with the CZMA. The PWP/TREP evaluates the North Coast Corridor (NCC) as a whole, and incorporates all of the individual projects being pursued by transportation agencies, into an integrated regional vision. The PWP/TREP describes the I-5 NCC project, the Los Angeles – San Diego – San Luis Obispo Rail Corridor (LOSSAN) projects, and community and regional enhancement improvements projects. It provides the framework for coordination of the rail, highway, community, and mitigation plans, to ensure that improvements are appropriately phased, and that mitigation occurs in coordination with, or in advance of, the construction of surface transportation and community improvements. Pursuant to 33 CFR section 332.3(m), compensatory mitigation occurring in advance of, or concurrent with, permitted impacts to waters of the U.S. is also consistent with the Corps/EPA joint 2008 Mitigation Rule (33 CFR part 332; 40 CFR part 230). It is expected that implementation and success of the PWP/TREP would result in enhancement of the impacted habitats within the North Coast Corridor, and provide benefits that would exceed standard mitigation required on a project-by-project and mitigation ratio basis. The PWP/TREP was approved by the California Coastal Commission (CCC) on August 13, 2014.

The Corps has reviewed the Resource Enhancement and Mitigation Program (REMP), a critical component of the PWP/TREP and included as Appendix P in the final EIR/EIS, and we consider it to be the overarching Compensatory Mitigation Plan, as called for in the mitigation regulations. Consistent with 33 C.F.R. §332.3(c), the REMP strategically identifies compensatory mitigation sites that would maintain and improve the quality and quantity of aquatic resources within the affected NCC watersheds or coastal lagoon systems, based on available technical information

and studies and coordination with various resource and regulatory agencies and other interested stakeholders. However, the Corps will make a final determination on the effects of the I-5 NCC proposed action on coastal zone resources, including the adequacy of proposed compensatory mitigation for unavoidable impacts to waters of the U.S., after receiving and reviewing comments submitted in response to this public notice.

Cultural Resources- On January 1, 2004, the FHWA, the Advisory Council on Historic Preservation (ACHP), the California State Historic Preservation Officer (SHPO), and Caltrans entered into a Programmatic Agreement (PA) regarding compliance with section 106 of the National Historic Preservation Act (NHPA). The PA was developed to establish an efficient and effective program alternative for taking into account effects of the Federal-aid Highway Program on historic properties in California. Implementation of appropriate stipulations in the PA would result in compliance with section 106 of the NHPA.

Caltrans, under the authority of the FHWA as lead Federal agency, conducted all necessary coordination with the SHPO and the FHWA per the stipulations of the PA. Specifically, the 2007 Historic Property Survey Report (HPSR) and accompanying technical studies were sent to the SHPO on March 16, 2007, to: (1) document Native American consultation efforts; (2) identify cultural resources within the project area of potential effect (APE); (3) seek the SHPO's concurrence on National Register of Historic Places (NRHP)/California Register of Historic Resources (CRHR) eligibility determinations; (4) identify then-anticipated project effects on eligible resources; and (5) propose methods to resolve adverse effects on those eligible resources.

Per PA Stipulation VIII.C.5, Caltrans requested concurrence on the following conclusions of eligibility:

- Ten archaeological sites were identified as not eligible for the NRHP/CRHR;
- 48 architectural properties over 50 years old were identified as not eligible for the NRHP;
- Four archaeological sites were identified as eligible for the NRHP/CRHR; and
- Three architectural resources were identified as eligible for the NRHP/CRHR.

In accordance with PA Stipulation VIII.C.3, seven archaeological sites were considered eligible for the NRHP/CRHR for the purposes of the current undertaking only.

The SHPO requested a 30-day extension for document review on April 29, 2007, however, no subsequent letter of concurrence was received.

On July 2, 2007, Caltrans notified the SHPO in accordance with PA Stipulation VIII.C.5.a of its intent to move forward with the resolution of impacts to affected historic properties. This action preceded project refinement occurring in 2012, and assumed that two eligible archaeological sites would be adversely affected during construction of recommended project soundwalls. On December 4, 2007, a "Finding Of Effects" (FOE) Package was sent to FHWA, the SHPO, the ACHP, and the following interested parties: Steve Banegas, Spokesman for the Kumeyaay Cultural Repatriation Committee (KCRC); the Weston family; Carmen Lucas, Kumeyaay Elder; and Mel Vernon, Luiseño Educator. On December 27, 2007, FHWA concurred with the FOE and wrote a letter to the SHPO to begin the consultation effort pursuant to Stipulation XI.A of the PA. On March 17, 2008, the SHPO responded by letter to FHWA and copied Caltrans that the SHPO agreed that the treatment of historic properties in the FOE was reasonable.

In accordance with PA Stipulation VIII.C.3, six additional sites considered eligible for the NRHP/CRHR were located during post-2007 surveys of proposed project-related biological mitigation sites.

A second request for concurrence on treatment of historic properties was submitted to the SHPO on April 14, 2010. That submittal addressed five supplemental HPSRs developed for proposed project-related biological mitigation sites (the First, Second, Third, Batiquitos, and Fourth Supplemental HPSRs) pursuant to the PA and contained a Notification of No Adverse Effect Findings. On May 12, 2010, the SHPO responded to Caltrans via email and copied FHWA regarding concurrence that the standard conditions and project-established Environmentally Sensitive Areas (ESAs) would suitably protect the sites.

In the Fifth Supplemental HPSR (2013), Caltrans changed the CA-SDI-7296 effect finding from No Adverse Effect with Standard Conditions-ESA to No Historic Properties Affected. The site had been determined ineligible for inclusion in the NRHP in the HPSR (2007), but was made an ESA in the Second Supplemental HPSR (2008) based on an error of fact. Pursuant to Stipulation II of the PA, this site by definition is not a historic property since it was determined ineligible for inclusion on the NRHP. The Finding of No Adverse Effect with Standard Conditions-ESA designation at CA-SDI-7296 warranted re-evaluation, per Stipulation VIII.C.4, since the original justification was based on an error of fact.

The Sixth Supplemental HPSR (2013) documented the APE adjustments and the effect finding revision for the project as a whole. This report unified the entire project under a single APE, updating the original APE (2007) by adding the Biological Mitigation Projects (2008 to 2010) and new areas shaped by project redesign (2013), but removing site CA-SDI-17928 and built environment resource on La Costa Avenue from this undertaking that were both avoided through project redesign.

Based on project redesign and supporting documentation in the Fifth and Sixth Supplemental HPSRs, Caltrans prepared a final FOE package in July 2013 that documented the effect finding change for the project as a whole to No Adverse Effect, pursuant to Stipulation X.B.i.a. As previously determined, this undertaking would not cause an adverse effect to the built environment historic property located on Orpheus Avenue, since only a very small portion of the property is required for this project, and would not affect any of the qualities that make this property significant. The 2013 FOE reiterated the argument presented in 2007 FOE regarding the Orpheus Avenue property. All other resources within the APE are protected by ESA designations. As previously determined and pursuant to Stipulation X.B.2.a(ii), Caltrans is assuming that 15 archaeological sites are eligible for listing on the NRHP for the purposes of this undertaking only. ESA designations would be delineated at and around those sites and the 2013 ESA Action Plan (which updated the 2007 ESA Action Plan submitted to FHWA and the SHPO on December 4, 2007 and approved by the SHPO on March 17, 2008) would be implemented to ensure that the project will avoid these resources. Caltrans will now avoid all known adverse effects to historic properties (properties that were previously identified as impacted and adversely affected properties would now be avoided). As such, the 2007 draft Memorandum of Agreement and 2007 Cultural Resources Treatment Plan are no longer required for this undertaking.

In a letter addressed to FHWA dated July 1, 2013, Caltrans notified FHWA of the APE revisions, requested FHWA's review and concurrence on the draft FOE for the project, and requested

FHWA to consult with the SHPO regarding the project's effects on historic properties within the APE (see final EIR/EIS Figure 5-5.8). FHWA concurred with the FOE and initiated consultation with the SHPO in a letter dated July 12, 2013 that requested concurrence on the FOE and notified the SHPO of the APE revisions and Section 4(f) *de minimis* determination (Figure 5-5.9). On September 11, 2013 the SHPO concurred with the finding of no adverse effect without standard conditions.

Following all of the steps identified above, as well as project refinement efforts following circulation of the draft EIR/EIS, no adverse effects to known NRHP-eligible resources are currently anticipated to result from project implementation.

Seventy-three other built environment resources were evaluated for their potential NRHP/CRHR eligibility; they were deemed to be not eligible because they lacked associations with important people or events, lacked architectural merit, did not represent the work of a master builder or architect, and did not have the ability to convey important information in history or architectural history. In addition, all highway bridges within the APE were previously determined not significant in accordance with Caltrans Statewide 1987 historic bridge inventory, which was reconfirmed with the 2006 update.

Endangered Species- Based on historical data and biological surveys conducted between 2003 and 2012, Caltrans determined that the following Federally listed species have been observed and may be adversely affected by the project: threatened coastal California gnatcatcher (*Polioptila californica californica*), endangered light-footed clapper rail (*Rallus longirostris levipes*), endangered tidewater goby (*Eucyclobobius newberryi*), and endangered Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*). In addition, the project may affect, but is not likely to adversely affect the following federally listed species: federally endangered least Bell's vireo (*Vireo bellii pusillus*), California least tern (*Sterna antillarum browni*), southern steelhead trout (*Oncorhynchus mykiss*), southwestern willow flycatcher (*Empidonax trailli extimus*), and federally threatened western snowy plover (*Charadrius alexandrinus nivosus*). Additionally, designated critical habitat for the threatened coastal California gnatcatcher, least Bell's vireo, southwestern willow flycatcher, and tidewater goby occurs within the project area.

Caltrans, under the authority of the FHWA as lead Federal agency, initiated formal consultation and informal consultation with the U.S. Fish and Wildlife Service (USFWS) and informal consultation with the National Marine Fisheries Service (NMFS) in accordance with section 7 of the Endangered Species Act of 1973, as amended, regarding potential effects of the proposed action on the above Federally listed species and designated critical habitat.

In a letter dated April 16, 2013, NMFS concurred with the Caltrans determination that the proposed action may affect, but is not likely to adversely affect southern steelhead trout. In regards to coastal California gnatcatcher, light-footed clapper rail, tidewater goby (*Eucyclobobius newberryi*), and Del Mar manzanita, the USFWS issued its biological opinion (BO: FWS-SDG-08B0100-12F0547), dated December 31, 2012, stating that the proposed action is not likely to jeopardize the continued existence of these species and is not likely to result in the destruction or adverse modification of designated critical habitat for the gnatcatcher or proposed critical habitat for the goby (included as Appendix O to the final EIR/EIS). The determination of the USFWS was made based on the proposed conservation measures and the mitigation package proposed in the REMP (June 2014) for the I-5 North Coast Corridor Project and the Los Angeles to San Diego (LOSSAN) Double Tracking rail projects.

Based on the information described below, the USFWS has determined that this level of anticipated take is not likely to result in jeopardy to the coastal California gnatcatcher, light-footed clapper rail, or tidewater goby. As discussed in the BO, the USFWS anticipates that up to 15 gnatcatcher pairs, 10 pairs in phase 1, 4 pairs in phase 2, and 1 pair in phase 3, will be taken as a result of construction of the proposed project. In addition, it is anticipated that up to four rail pairs, one pair in phase 1, two pairs in phase 2, and one pair in phase 3, will be taken as a result of construction of the proposed project. Incidental take is expected to be in the form of harm as defined in 50 CFR § 17.3, due to the direct loss of a portion of the sage scrub and coastal marsh habitats occupied by these coastal California gnatcatchers and light-footed clapper rails, respectively. However, no incidental take was granted for the Del Mar Manzanita.

The exact distribution and population size of tidewater gobies within the proposed project impact area is difficult to determine due to the dynamic conditions associated with their biology. Because the goby is a short-lived species that is subject to variability in local abundance and seasonal changes in distribution and abundance, it is difficult to precisely quantify the amount of take that would occur during project work in the San Luis Rey River in phase 3 of the proposed project. Nevertheless, based on the best available scientific information, the USFWS has established the following take exemptions for the goby:

- Capture and relocation of all gobies within the project impact area in the San Luis Rey River during construction of the I-5 North Coast Corridor project;
- Accidental death of no more than 1 percent of the gobies captured, not to exceed 5 goby deaths for the entire I-5 North Coast Corridor project.

Essential Fish Habitat - Essential fish habitat (EFH) for some coastal pelagic and Pacific groundfish species will be impacted by the proposed I-5 NCC HOV project at the following locations: San Dieguito Lagoon, San Elijo Lagoon, Batiquitos Lagoon, Agua Hedionda Lagoon, and the San Luis Rey River. Approximately 12.6 acres of potential EFH would be affected in these waterbodies. An additional 6.19 acres of wetland would be shaded under proposed bridge widening/lengthening. In addition, there would be potential indirect impacts to EFH associated with project impacts at Carmel Creek, which flows into Los Penasquitos Lagoon. Southern steelhead trout (*Oncorhynchus mykiss*) are known to occur within the San Luis Rey River, and minimal impacts to open water habitat in the river may affect that species (see the preceding section on Endangered Species).

Conservation measures have been proposed by Caltrans and accepted by NMFS, to minimize direct and indirect impacts to EFH. Caltrans will continue to coordinate with NMFS on minimization measures as design refinements continue on the project. As stated in the Coastal Zone Management section above, the REMP provides the overarching Conceptual Mitigation Plan that could, depending on what is approved and implemented, mitigate unavoidable effects on aquatic and other natural resources, including EFH.

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.

It should be noted a total of 62 project Public Outreach meetings, open-houses, and presentations were held between January 7, 2004 and August 1, 2013 in association with the proposed project and alternatives. Outreach efforts included but were not limited to public meetings, open-houses, and presentations with the following: City of Carlsbad, Lennar Corporation, San Diego Gas and Electric, San Dieguito Park Joint Powers Authority, City of San Diego Parks and Recreation

Department, Torrey Pines State Reserve, City of San Diego Trails Manager, Agua Hedionda Lagoon Foundation, Carlsbad Watershed Alliance, Carmel Valley Community Planning Group, Torrey Hills Community Planning Group, Torrey Pines Community Planning Group, City of Carlsbad Council Members, City of Oceanside, Oceanside High School, Oceanside Superintendent of Schools, Quarterly Stakeholders Group, Equinox Center Symposium, San Diego Regional Chamber of Commerce, City of San Diego District 1, Carlsbad Chamber of Commerce, California Coastal Commission, Leadership North County, Oceanside Chamber of Commerce, San Diego North Economic Development Council, Batiquitos Lagoon Foundation, San Dieguito River Park, Golden Triangle Transportation Forum, San Elijo Lagoon Conservancy, California State Assembly-District 74, California Senate-39th District, Prevent Los Angeles Gridlock Usurping the Environment (PLAGUE), Los Peñasquitos Lagoon Foundation, San Dieguito River Park, Agua Hedionda Lagoon Foundation, City of San Diego staff, City of Oceanside staff, City of Del Mar planning staff, Buena Vista Lagoon Foundation, Del Mar Hills Academy, North County Bicycle Committees, California Department of Fish and Wildlife (CDFW), and the County of San Diego.

Formal scoping meetings were held in 2004, on the following dates: January 7th, 13th, 27th; February 10th and 17th; and March 2nd

Public hearings were held in 2010, on the following dates: July 17th, August 3rd, and September 9th.

A public hearing for the Supplemental Draft EIS/R was held September 19, 2012.

Additional information regarding public scoping and outreach activities may be found in Chapter 5 of the final EIS/EIR.

Proposed Activity for Which a Permit is Required

As noted on page 1 of this public notice, Caltrans proposes to permanently impact approximately 16.1 acres of waters of the U.S., of which approximately 11.65 acres are wetlands, and to temporarily impact approximately 14 acres of waters of the U.S., of which approximately 5.99 acres are wetlands, through discharges of fill material during activities associated with the widening of I-5, between post miles (PMs) R28.4 to R55.4, from La Jolla Village Drive in San Diego northward to Harbor Drive/Vandegrift Boulevard in Oceanside in northern San Diego County, California. Caltrans has estimated that a total of approximately 13,778 cubic yards of soil and 5,405 cubic yards of rock would be discharged into waters of the U.S. associated with constructing the proposed project. Corps-regulated activities include the discharges of fill materials associated with the activities listed in Table 1, below (Permanent Impacts to Waters of the U.S. by Watershed and Build Alternative). Dredging activities would only occur where lagoon channels would be widened and deepened to increase tidal and fluvial flows. As proposed, all dredged material would be disposed of at an upland location in such a manner as to avoid return water flow to waters of the U.S. (i.e., no CWA section 404 discharge anticipated with dredging and disposal activities).

The calculations of impacts to waters of the U.S. are based on a jurisdictional delineation performed by Sue Scatolini, District Biologist for Caltrans, using data gathered in April 27, 2004 through February 27, 2008. A formal jurisdictional delineation was completed for the I-5 NCC project and submitted to the Corps on September 24, 2008. The information contained in the report was verified in the field by the Corps on May 26, 2009, and the Corps approved the jurisdictional delineation on October 20, 2009 (included as Appendix N on the final EIR/EIS).

Construction of Stage 1, within Phase 1, is proposed to begin during late 2015, and is expected to be completed in approximately 24 months. There are 4 overlapping stages within Phase 1; however, construction of Phase 1 is expected to take approximately 4 years to complete. Please refer to Chapter 3.18 in the final EIR/EIS for additional depictions of jurisdictional boundaries and proposed impacts to jurisdictional waters of the U.S.

The proposed project improvements will be implemented in three phases over a 20-year period. The current plan anticipates construction beginning in late 2015, with completion of all project elements by 2035. Over this two-decade period, the following actions are anticipated that will impact jurisdictional waters of the U.S.:

Phase 1 - Constructed by Year 2020:

- The I-5 segment from Manchester Avenue to State Route 78 (SR-78) would be improved to include two HOV/Managed Lanes in each direction. This phase would also include the replacement of the San Elijo Bridge, the Batiquitos Bridge, and implementation of the Manchester DAR and a Park and Ride lot.
- The I-5 segment from La Jolla Village Drive to the I-5/I-805 merge would be improved to include two HOV/Managed Lanes. This improvement would also include the Voigt DAR and HOV connectors, and the Los Peñasquitos and Soledad Creek Bridges.
- Community enhancements include the Voigt Drive Overcrossing (OC) and realignment improvements; a bike/pedestrian trail on both sides of San Elijo Lagoon with a bridge connection to Manchester Avenue; Villa Cardiff bridge enhancements; MacKinnon Avenue bridge replacement; bike/pedestrian improvements at Santa Fe Drive; bike/pedestrian enhancements at Encinitas Boulevard; and the North Coast (NC) Bike Trail San Elijo segment.
- Environmental enhancement/preservation actions at the selected Lagoon (San Elijo or Buena Vista); continued development of the San Dieguito Lagoon W19 Establishment site; restoration at the Deer Canyon II Establishment site; planning/restoration of the Hallmark (east and west) sites, the Dean Family trust site, and the Batiquitos Bluffs site; preservation/enhancements at the Laser and La Costa sites.
- Construct soundwalls on private property from Manchester Avenue to SR-78.

Phase 1 I-5 construction is anticipated to begin at the end of 2015 and end in December 2019.

Phase 2 - Constructed by Year 2030:

- The I-5 segment from the I-5/I-805 merge to Palomar Airport Road would be upgraded to include two HOV/Managed Lanes (Express Lanes). Bridge improvements would occur at Carmel Valley Creek and San Dieguito River, along with improvements to the I-5/SR-56 Interchange.
- Community enhancements include a new bike/pedestrian bridge and trail connection at Old Sorrento Valley Road, north of Del Mar Heights Road, Carmel Valley, the Hall Property (Encinitas Community Park), Santa Fe Drive to Requeza Street (with wetland revegetation), Requeza Street to Encinitas Boulevard, Cottonwood Creek Park to Union Street (with wetland revegetation); bike/pedestrian trails adjacent to San Dieguito Lagoon; Solana Hills Drive trailhead; Union Street pedestrian overpass; Carmel Valley Road, Birmingham Drive, and La Costa Avenue park and rides; Ida Avenue streetscape enhancements; bike/pedestrian improvements at seven overcrossings and five undercrossings; and NC Bike Trail in the cities of San Diego, Solana Beach, Encinitas and Carlsbad.
- Construct soundwalls from the I-5/I-805 merge to Palomar Airport Road.

Phase 3 - Constructed by Year 2035:

- The I-5 segment from Palomar Airport Road to SR-78 would be upgraded from two to four HOV/Managed Lanes, and I-5 from SR-78 to Harbor Drive (HOV Lanes do not currently exist) would be upgraded to include four HOV/Managed Lanes; braided ramps would be constructed for the I-5 segment from Genesee Avenue to Sorrento Valley road; bridge replacements would be completed at Agua Hedionda and Buena Vista Lagoons, as well as the San Luis Rey River; and improvements at the I-5/SR-78 Interchange.
- Community enhancements including a bike/pedestrian trail at Agua Hedionda Lagoon; pedestrian trail and underpass enhancements north of the San Luis Rey River; bike/pedestrian overpass improvements at Division Street and Mission Avenue; bike/pedestrian improvements at Bush Street and Harbor Drive/Camp Pendleton; SR-76 underpass parking/trailhead staging area; Oceanside Boulevard pedestrian streetscape enhancements; California Street pocket park and pedestrian improvements; community open space and/or community gardens; community gardens at Bush Street; bike/pedestrian improvements at six overcrossings and four undercrossings; and NC Bike Trail in the City of Carlsbad, including a bridge across Agua Hedionda Lagoon.
- Construct soundwalls from Palomar Airport Road to SR-78 and from SR-78 to Vandegrift Boulevard.

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 a water of the U.S. to fulfill its basic purpose). Establishment of the basic project purpose is necessary when the proposed project activity would discharge dredged or fill material into a special aquatic site (i.e., wetlands, pool and riffle complex, mud flats, vegetated shallows, sanctuaries and refuges, coral reefs). The basic project purpose of the proposed project is highway mobility improvements, and such improvements would impact special aquatic sites. The proposed project is not water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' section 404(b)(1) alternatives analysis (40 CFR part 230) and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to improve the existing and future traffic conditions within the I-5 North Coast Corridor, from La Jolla Village Drive in San Diego, to Harbor Drive in Oceanside, in order to improve the safe and efficient local and regional movement of people and goods while minimizing environmental and community impacts for the planning design year 2035. The specific objectives of the proposed project are the following:

- 1) Maintain or improve future traffic levels of service in 2035, over the existing levels of service;
- 2) Maintain or improve travel times within the corridor;
- 3) Provide a facility that is compatible with bus rapid transit and other modal options;
- 4) Provide consistency with the San Diego Regional 2050 Transportation Plan where feasible, and in compliance with Federal and state regulations;
- 5) Maintain the facility as an effective link in the national Strategic Highway Network; and
- 6) Protect and/or enhance the human and natural environment along the I-5 NCC.

In December of 2004, Caltrans formally requested concurrence on the project purpose and need from the USFWS, NMFS, USFWS, EPA, and the Corps. In December 2004 and January 2005, Caltrans received letters of concurrence from each of these agencies. Agency comments and coorespondance can be found in Chapter 5 (Comments and Coordination) of the Final EIR/EIS. Please see Table 5.1 in the EIR/EIS for a complete list of agency consultation/coordination. The years stated in the project objectives have been revised from those with which the agencies concurred to

reflect updated construction phasing from 2030 to 2035 and the 2050 Regional Transportation Plan that was adopted in October 2011.

Additional Project Information

The FHWA, EPA, Corps, USFWS, and NMFS executed an MOU regarding the NEPA and Clean Water Act Section 404 Integration Process (NEPA/404 MOU) for Federal Aid Surface Transportation Projects in California, in March 1994. The MOU applies to Federal aid surface transportation projects in California in which an EIS project is likely to require an individual permit, impact "special aquatic sites," or permanently impact greater than 5 acres of waters of the U.S. The MOU was revised and executed in May 2006. Intended benefits of following the process specified in the MOU are: improved cooperation and efficiency of governmental operations at all levels, thereby better serving the public; expedited construction of necessary transportation projects, with benefits to mobility and the economy at large; enabling more transportation projects to proceed on budget and on schedule; and protection and enhancement of waters of the U.S., which will benefit the region's aquatic ecosystems and the public interest.

The signatory agencies to the MOU have been actively engaged in a collaborative process to fulfill the procedural and substantive requirements of the MOU, since November 2003. As part of the formal process, the Corps provided written concurrence on the NEPA project purpose and need on January 19, 2005 (the NEPA project purpose also serves as the overall project purpose for determining compliance with the Section 404(b)(1) Guidelines [40 CFR part 230]). On July 15, 2013, the Corps provided written concurrence on the preliminarily identified LEDPA and Conceptual Mitigation Plan (i.e., the REMP, as discussed previously). USEPA, USFWS, and NMFS provided concurrence as well. The preliminary LEDPA was included in Appendix M of the final EIR/EIS. The final LEDPA determination will not occur until we prepare/execute our ROD. Chapter 5 of the final EIR/EIS provides a detailed discussion of the NEPA/404 MOU process, and general public and agency coordination.

Description of Build Alternatives- Four build alternatives were carried forward for detailed, co-equal study in the EIR/EIS – the 10 + 4 with Barrier Alternative, the 10 + 4 with Buffer Alternative, the 8 + 4 with Barrier Alternative, and the 8 + 4 with Buffer Alternative (Preferred Alternative/Preliminary LEDPA). Summary descriptions of the alternatives are provided below. For detailed descriptions of the alternatives, please refer to Chapter 2 in the final EIR/EIS. Design of the four build alternatives focused on minimizing impacts to the coastal lagoons and other sensitive habitats to the maximum extent practicable. Hydraulic and fluvial modeling was completed for all lagoons with proposed bridge replacements to identify the optimal channel dimensions for fluvial and tidal flows. The alternatives also focused on providing a full range of transportation modal alternatives that are cost-effective, promote and provide incentives for ridesharing and alternative modes, accommodate regional and interregional freight movements, and minimize environmental and community impacts. In the final EIR/EIS, the 8+4 Buffer Alternative was identified as the NEPA preferred alternative and was preliminarily identified as the LEDPA. For the detailed evaluation, please refer to the draft section 404 alternatives analysis included as Appendix M in the final EIR/EIS.

10 + 4 with Barrier Alternative- The 10 + 4 with Barrier Alternative would build one general-purpose lane in each direction on I-5 from south of Del Mar Heights Road in San Diego northward to State Route 78 (SR-78) in Oceanside. Two HOV/Managed Lanes would be built in each direction from north of the Interstate 805 (I-805)/I-5 freeway-to-freeway connector in San Diego northward to Harbor Drive/Vandegrift Boulevard in Oceanside. This alternative would separate HOV/Managed Lanes from general-purpose lanes with a concrete barrier for most of its length, and a

variable painted buffer in lieu of a barrier from Voigt Drive to Del Mar Heights Road and from SR-78 to Harbor Drive/Vandegrift Boulevard. The projected cost (right-of-way, support, and construction) for this alternative was estimated in the draft EIS/EIS (DEIR/DEIS) as approximately \$4.3 billion in 2010 dollars.

10 + 4 with Buffer Alternative- The 10 + 4 with Buffer Alternative would add the same number of through lanes (one general-purpose and two HOV/Managed Lanes in each direction) and function similarly to the 10 + 4 with Barrier Alternative, but would use a painted buffer to separate HOV/Managed Lanes from general-purpose lanes for the entire length of the project. The projected cost (right-of-way, support, and construction) for the alternative was estimated in the DEIR/DEIS as approximately \$3.5 billion in 2010 dollars.

8 + 4 with Barrier Alternative- The 8 + 4 with Barrier Alternative would not add any general-purpose lanes to the existing highway. Two HOV/Managed Lanes would be added in each direction, separated from general-purpose lanes by a concrete barrier similar to the one described above for the 10 + 4 with Barrier Alternative. The solid barrier and extra shoulder on either side of the barrier and the weaving necessary for ingress and egress to the HOV/Managed Lanes increases the footprint of the barrier alternatives. The projected cost (right-of-way, support, and construction) for this alternative was estimated in the DEIR/DEIS as approximately \$4.1 billion in 2010 dollars.

8 + 4 with Buffer Alternative (Proposed Project/Proposed Action/Preliminary LEDPA)- The 8 + 4 with Buffer Alternative would not add any general-purpose lanes to the existing highway. It would function similarly to the 8 + 4 with Barrier Alternative but would separate HOV/Managed Lanes from general-purpose lanes with a variable painted buffer for the entire length of the project. As noted, Caltrans identified this alternative as the locally preferred alternative (LPA) because it best meets the project purpose and need, and because it minimizes potential environmental impacts that would result from construction of the project. The projected cost (right-of-way, support, and construction) for this alternative was estimated in the DEIR/DEIS as approximately \$3.3 billion in 2010 dollars. The amount was refined in the Final EIR/EIS to approximately \$3.1 billion dollars.

Features Common to the Four Build Alternatives- All four build alternatives would also include natural and human community enhancements, some of which would affect waters of the U.S. These include pedestrian, bicycle, park and ride, gateway, streetscape, and park enhancements. The North Coast Bikeway is a regional enhancement that would complement the Coastal Rail Trail and the El Camino Bicycle Corridor, as well as the California Coastal Trail. Implementation of the community enhancements would depend on reaching a maintenance agreement with the affected city.

Each of the build alternatives would include braided ramps between the Roselle Street and Genesee Avenue bridges, DARs, and auxiliary lanes that have been specifically included in the assessment of project impacts in the DEIR/DEIS. DARs would allow buses, carpools, and other users of the HOV/Managed Lanes to directly access the HOV/Managed Lanes without moving through general-purpose lanes. Numerous other design elements, including ramp meters, utility relocations, noise barriers, retaining walls, drainage and water treatment features, auxiliary lanes, and signage, would not result in appreciable environmental impacts. All four build alternatives would have the following design elements:

- One additional HOV/Managed Lane in each direction from Voigt Drive to just north of Lomas Santa Fe Drive.

- Two HOV/Managed Lanes in each direction from just north of Lomas Santa Fe Drive to Harbor Drive/Vandegrift Boulevard.
- Separation of general-purpose lanes from HOV/Managed Lanes from near La Jolla Village Drive to Del Mar Heights Road, and from SR-78 to near Harbor Boulevard, by a buffer varying in width up to 4 feet.
- Provision of a continuous HOV lane for I-5, with a freeway-to-freeway connector (flyover) crossing over the I-5/I-805 merge and connecting the proposed project HOV/Managed Lanes to existing I-5 HOV lanes just north of that merge.
- DARs for grade-separated interchanges into managed lanes, thereby allowing direct access to the HOV/Managed Lanes without weaving across general-purpose lanes at Voigt Drive and Manchester Avenue. The DARs would be compatible with carpools, bus transit, and value pricing, and would support HOV/Managed Lanes. (The Manchester Avenue DAR was redesigned to reduce environmental impacts since circulation of the DEIR/DEIS.)
- Intermediate access points (IAPs) located at Carmel Valley Road, Lomas Santa Fe Drive, Birmingham Drive, Poinsettia Lane, Tamarack Drive (southbound only), and SR-78; at-grade access points at the ends of the HOV/Managed Lanes near La Jolla Village Drive and Harbor Drive.
- Intelligent Transportation System (ITS) components, such as toll collection equipment, to allow single-occupancy vehicle users to purchase use of HOV/Managed Lanes. ITS components include overhead suspended scanner devices such as gantries, traffic monitoring stations, ramp meters, closed circuit television to view traffic on the facility and to help manage the traffic, changeable message signs to display the tolls, and loop detectors to measure traffic volume and speed.
- Twelve-foot-wide auxiliary lanes (as needed in 14 locations: five southbound, four northbound, and five both north- and southbound) and 10 to 12-foot-wide shoulders.
- New park and ride facilities at Manchester Avenue and State Route 76 (SR-76), and enhanced park and ride facilities at other locations.
- Reconfiguration of various local interchanges to improve vehicular, pedestrian, and bicycle circulation at northbound ramps for Leucadia Boulevard and La Costa Avenue; at southbound ramps for Roselle Street, Manchester Avenue, Encinitas Boulevard, Palomar Airport Road, and Oceanside Boulevard; and at both north- and southbound ramps at Genesee Avenue, Del Mar Heights Road, Via de la Valle, Birmingham Drive, Santa Fe Drive, Tamarack Drive, Carlsbad Village Drive, Mission Avenue, SR-76, and Harbor Drive.
- Widening or replacement of lagoon bridges at Los Peñasquitos, San Dieguito, San Elijo, Batiqitos, Agua Hedionda, and Buena Vista Lagoons.
- Ramp metering at various on-ramps (with ultimate metering at all 58 on-ramps at buildout), retaining walls (to reduce property acquisition needs, stabilize slopes, minimize impacts, and accommodate engineered structures), barriers, guard rails/end treatments, crash cushions, bridge rails, and signage, installed as appropriate and as needed.

- Project-related drainage abandonment or improvement including extension, replacement, or lining, with new drainage facilities constructed adjacent to cross roads (facility examples include storm drain inlets, storm ditches, rock slope protection, and headwalls).
- Relocation of existing overhead or underground utilities (water, sewer, gas, electricity telephone, and other communications), as needed and within existing utility easements, as possible.
- Proposed sound barriers as described in the DEIR/DEIS with specifics dependent on final design.
- Bioswales and/or detention basins for treatment of storm water runoff with specifics dependent on final design.
- Increasing the lagoon channel cross sections beneath the I-5 bridges at San Elijo, Batiquitos, and Buena Vista Lagoons by abutment fill removal and dredging of the existing channel.

All bridge abutments would be armored with riprap; but it is important to note this is the existing condition. No channel bottom armoring would be employed, and bottom armoring currently present at the Batiquitos Lagoon channel beneath the I-5 bridge would be removed. At three lagoons, San Elijo, Batiquitos, and Buena Vista, removal of fill (including riprap, concrete, and soil) on existing abutments and non-section 404-regulated dredging are proposed to optimize the lagoon tidal channels under the bridges to allow maximum fluvial (flood) and tidal flows for restoration of the lagoons. Anticipated LOSSAN (Los Angeles to San Diego) railroad bridge improvements were taken into account. Caltrans conducted optimization studies of the appropriate channel width and depth to achieve the optimum tidal and fluvial flows. At Batiquitos Lagoon, the proposed channel dimensions and associated bridge lengths are the same for all I-5 NCC build alternatives; only the bridge widths would vary. At Buena Vista Lagoon, the channel modification would be the same at I-5 for a reasonable range of lagoon restoration alternatives. At San Elijo Lagoon, fill removal and dredging would optimize fluvial and tidal flows for each of the proposed restoration alternatives. The I-5 NCC project would allow for lagoon restoration with any of the proposed alternatives, but the choice of restoration alternatives would not be a part of, and would not be influenced by, the I-5 NCC project. The Preferred Alternative/Preliminary LEDPA (discussed below) assumes a channel width of 261 feet at San Elijo Lagoon, which would accommodate any of the restoration project alternatives.

Table 1: Permanent Impacts to Waters of the U.S. by Watershed and Build Alternative (Acres)

Watershed	Aquatic Type	10 + 4 with Barrier	10 + 4 with Buffer	8 + 4 with Barrier	8 + 4 with Buffer (Preferred Alternative/Preliminary LEDPA)
San Clemente: Roadway fill in unnamed drainage south of Voigt, east of I-5	Other Waters	0.00	0.00	0.00	0.00
	Wetland	0.014	0.014	0.014	0.014
Los Peñasquitos: Roadway fill in unnamed drainage west of I-5 and south of Genesee Avenue and Los	Other Waters	0.11	0.11	0.11	0.11
	Wetland	0.44	0.44	0.44	0.44

Watershed	Aquatic Type	10 + 4 with Barrier	10 + 4 with Buffer	8 + 4 with Barrier	8 + 4 with Buffer (Preferred Alternative/ Preliminary LEDPA)
Peñasquitos Creek.					
San Dieguito River: Roadway fill along drainages north and south of the river along I-5. Piers for widened bridge within the river.	Other Waters	0.07	0.07	0.07	0.07
	Wetland	3.74	2.98	3.54	2.95
San Elijo Lagoon: Roadway fill on either side of I-5 .Columns for new bridge.	Other Waters	0.08	0.08	0.08	0.08
	Wetland	1.45	0.68	0.76	0.66
Cottonwood Creek: Roadway fill east of I-5 between Santa Fe and Encinitas Blvd. and west of I-5 north of Encinitas Blvd.	Other Waters	0.08	0.08	0.08	0.047
	Wetland	0.43	0.32	0.38	0.29
Batiquitos Lagoon: Roadway fill on either side of I-5. Columns for new bridge.	Other Waters	0.27	0.27	0.27	0.35
	Wetland	4.93	4.58	4.65	4.56
Encina Creek: Lengthen culvert on either side of I-5 roadway fill. Fill in unnamed drainage immediately adjacent to I-5 and parallel to the freeway; drainage would be put in pipe.	Other Waters	0.14	0.13	0.13	0.127
	Wetland	1.49	1.46	1.47	1.457
Agua Hedionda Lagoon: Roadway fill on either side of I-5. Columns for new bridge.	Other Waters	5.20	4.22	4.71	3.56
	Wetland	0.00	0.00	0.00	0.00
Buena Vista Lagoon: Roadway fill on either side of I-5. Columns for new bridge.	Other Waters	0.00	0.00	0.00	0.00
	Wetland	1.28	1.28	1.28	1.28
Loma Alta Creek: Columns for new bridge.	Other Waters	0.07	0.07	0.07	0.002
	Wetland	0.00	0.00	0.00	0.00
San Luis Rey River: Columns for widened bridge.	Other Waters	0.04	0.04	0.04	0.04
	Wetland	0.00	0.00	0.00	0.00
Totals	Other Waters	5.92	4.93	5.42	4.45
	Wetland	13.77	11.75	12.53	11.65
	All/Total	19.69	16.68	17.95	16.10

As shown in the above table, the proposed project footprint within waters of the U.S. is the same in the San Clemente, Los Peñasquitos, Loma Alta, Buena Vista, and San Luis Rey watersheds for all alternatives. According to the totals, the 8 + 4 with Buffer Alternative would permanently impact the fewest acres of Corps jurisdictional waters of the U.S. in the other watersheds. Therefore, as shown in this table, the 8 + 4 with Buffer Alternative would have the fewest permanent impacts on waters of the U.S. in 6 of the 11 watersheds, and the lowest permanent impacts overall on both other waters of the U.S. (4.45 acres) and jurisdictional wetlands (11.65 acres).

It is important to keep in mind that while all the build alternatives include dredging and removal of fill adjacent to the inlet channels under the three bridges at San Elijo, Buena Vista, and Batiquitos

Lagoons, neither the proposed dredging nor the associated disposal activity would generate a section 404-regulated discharge as proposed, and they are therefore not being evaluated as such.

Description of No Build Alternative- The No Build alternative (this is also the No Action alternative) would maintain the current configuration of the existing I-5 facility and offers a basis for comparison of existing and the 2035 no-build conditions with the 2035 build alternatives. This alternative would include ongoing operations and facility maintenance. In addition, a number of interchange/operations and adjacent transportation projects are assumed to be implemented under the No Build alternative (as detailed in Section 2.2.4 of this final EIR/EIS). These projects would move forward independently from the I-5 NCC Project and would be analyzed within separate environmental documents. The No Build Alternative would not result in any aquatic resource loss, and it would also not accommodate restoration of San Elijo and Buena Vista Lagoons by construction of optimized channels under the I-5 bridges. The No Build alternative represents the conditions reasonably expected to prevail in the area in the absence of Federal action.

Description of On-Site and Off-Site Special Aquatic Sites Avoidance Alternatives - An alternative that would avoid all impacts to special aquatic sites could conceptually involve one of two options. One option would be to increase the length of the bridges that would need to be replaced and widened within the I-5 NCC (i.e., on-site) to completely avoid any direct impacts to special aquatic sites, and to construct those bridges without placing any columns, abutments, or other fill into special aquatic sites. Such an option was not considered practicable, since the costs of alternative means of bridge construction (i.e., bridges using wide spans without in-special aquatic site columns or abutments such as suspension or cantilevered bridges) would be much higher in comparison [(more than 6 times higher just for bridges that would remove all fill and still have columns in wetland (SEIR/EIS)]. Similarly, it would not be practicable from a cost perspective to avoid all non-special aquatic site waters of the U.S. Thus, Caltrans decided to pursue a more practicable and less costly design approach that would lengthen the bridges over the most important and extensive special aquatic sites (maximize avoidance), the lagoons and the San Luis Rey River, and would increase their channel cross sections (which, as noted, would not involve a CWA section 404-regulated discharge), to maintain and improve the aquatic functions of the lagoons and river.

The other avoidance option would be to construct an entirely new freeway between the start and end points of the I-5 NCC at a location far enough inland (up to 3 miles from the current I-5 corridor) to avoid the lagoons (i.e., off-site). Even in that location, new bridges would have to span extensive wetlands, other special aquatic sites, and other waters of the U.S. Similar considerations of costs associated with lengthening bridges in the existing I-5 NCC would apply to this alternative, and costs associated with acquiring rights-of-way and relocating residences and businesses would be extremely high (several orders of magnitude higher), would have substantial impacts to the social and natural environments aside from special aquatic sites, would require extensive acquisition of private property, and would be incompatible with local and regional planning. A new inland freeway corridor would divide established neighborhoods, disrupt the current local and regional transportation network, and leave the fate of the current I-5 freeway corridor uncertain.

Thus, Caltrans considered both on-site and off-site alternatives for complete avoidance of wetlands and other special aquatic sites, and found them impracticable for reasons of cost, for on-site alternatives, and of cost and other significant adverse environmental impacts, for off-site alternatives. In fact, consultation between Caltrans and the other signatory agencies (USFWS, Corps, NMFS, USFWS, and EPA) during the NEPA section 404 MOU integration process resulted in agreement that there was no practicable alternative that would meet the purpose and need of the proposed project while avoiding all impacts to wetlands and other waters of the U.S., including non-wetland special

aquatic sites.

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, and/or the need for the project to comply with the Section 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:

With respect to Federal jurisdictional waters of the U.S., including wetlands, the portion of the I-5 NCC within the proposed project area crosses six coastal lagoons and/or their tributaries, and wetland and other aquatic resource impacts could not be completely avoided (when considering practicability, as noted above). Nevertheless, all four of the project build alternatives incorporate design features to minimize impacts. The smallest possible footprint would be implemented with the refined 8+4 Buffer Alternative (Preferred Alternative/Preliminary LEDPA). This alternative would also result in the fewest footprint impacts.

To minimize impacts to all sensitive habitats, the slopes of the freeway were designed at a steeper 2:1 grade versus the standard 4:1 grade. Several design alternatives were examined to minimize fill placed in the lagoons, including using retaining walls and steeper fills than 2:1. However, the sandy soils within the vicinity of the lagoons would not support steeper fill slopes. As a result of these geotechnical concerns, 2:1 horizontal to vertical grade is the steepest grade anticipated during construction for fill slopes. To minimize impacts further, retaining walls were also included in the project design on cut slopes, but could not be used on fill slopes. Through analysis of lagoon sediment data from geotechnical borings, it was determined that lagoon soil liquefaction would prevent the use of retaining walls to minimize the roadbed fill in the lagoon. Soil liquefaction requires that any structures taller than approximately 6 feet have support piles that are driven to bedrock, which is located at a depth of over 100 feet. All pilings for the bridge supports would be driven to this depth, but this would not be practical for retaining walls. Riprap is used to protect the existing abutments and would also be used to protect the abutments of the proposed bridges. Due to the proposed depth of bridge pilings, riprap would not be required to armor the channel bottoms, and as noted, bottom armoring currently present at the Batiquitos Lagoon channel beneath the I-5 bridge would be removed.

Potential impacts from auxiliary lanes have been minimized where possible, especially in the vicinity of the lagoons. Auxiliary lanes were only included in the project design where required to relieve traffic congestion and weaving issues between on- and off-ramps. For example, potential impacts associated with a proposed auxiliary lane between La Costa Avenue and Poinsettia Avenue across Batiquitos Lagoon were avoided, based on elimination of this potential auxiliary lane when traffic analysis determined that it would not be required. To avoid impacts to wetlands from fill associated with creation of 12-foot-wide bike/pedestrian trails, short retaining walls (6 feet or lower in height) would be used.

Another impact minimization option being examined at Batiquitos Lagoon and Buena Vista Lagoon would involve obtaining funds to replace these bridges in the first phase of construction (prior to construction of a proposed HOV lane in the median), instead of later in the construction process. This would reduce the overall bridge widths required for staging the bridge replacements, thus reducing wetland impacts by more than one acre at each lagoon. This represents an important opportunity to minimize impacts because Caltrans is required to keep all existing roads open during construction. If the HOV median extension were constructed prior to the bridge replacement at these locations, there would be 5 lanes in each direction that Caltrans would need to keep open instead of 4

lanes. For staging, this means Caltrans would be building 2 extra lanes that are not needed when moving traffic over, and demolishing the old bridge. Therefore, if the HOV extension were constructed sooner in the project, 5 existing lanes instead of 4 lanes, would need to be operational during construction, resulting in a wider construction footprint and impacts to waters of the U.S.

A wider bridge would be needed for the I-5/SR-78 interchange as there would be new connector ramps built for the "Interchange Project", which is a separate project with an expected NOP release date of January 2015. Funds have been secured to move the Batiquitos bridge forward to the first phase of construction, reducing wetland impacts by almost 1.7 acres and sensitive upland habitat impacts by more than 1 acre. Widening of I-5 and replacement of the bridge under currently anticipated project phasing at Buena Vista Lagoon would result in permanent project-related impacts, including 0.81 acre of Corps jurisdictional habitat and 1.0 to 1.14 acres of State wetland, as well as shading of an additional 0.48 acre of open water. If replacement of the bridge at Buena Vista Lagoon occurs in advance of the HOV median extension, impacts would be reduced. Additional funding to move the replacement of the Buena Vista Lagoon Bridge forward is not available at this time. Proposed work on the interchange at I-5 and SR-78 may, however, require the wider bridge.

As identified and evaluated conceptually in the June 2014 REMP, there are several compensatory mitigation opportunities in the NCC area that have potential to offset unavoidable impacts to waters of the U.S. and other natural resource (including upland) impacts. These opportunities or options include the following:

Establishment (referred to as No Net Loss Pool):

San Dieguito W19 Restoration Site
Hallmark East and West Mitigation Site
Batiquitos Bluffs Mitigation Site
Dean Family Trust Mitigation Site (upland only)
Deer Canyon II Mitigation Site (upland only)

Restoration/Enhancement/Preservation/Enhancement (referred to as Enhancement Pool):

Dean Family Trust (upland only)
Laser Parcel Preservation Site
La Costa Parcel Preservation Site (upland only)
Batiquitos Bluffs Mitigation Site
Hallmark East and West Mitigation Site
San Elijo Lagoon Restoration Project
Buena Vista Lagoon Restoration Project

Lagoon Management Endowments (referred to as Contingency Pool):

Lagoon Management/Endowment for Los Peñasquitos & Batiquitos Lagoons

These follow the bridge optimizations proposed at Batiquitos Lagoon, San Elijo Lagoon, and Buena Vista Lagoon, which are considered project avoidance and minimization measures (i.e., the first two steps of the three-step mitigation sequence: avoid, minimize, compensate).

For additional details regarding the proposed mitigation sequence, please see the preliminary/draft section 404 alternatives analysis included as Appendix M to the final EIR/EIS. For details regarding the proposed project compensatory mitigation opportunities in the NCC, please see the REMP, included as Appendix P in the final EIR/EIS.

Proposed Special Conditions

No specific special conditions are proposed at this time, but we would expect to add special conditions addressing implementation and maintenance of construction and transportation-related best management practices typically required in and near waters of the U.S., and compensatory mitigation for impacts to the aquatic ecosystem.

For additional information please call Stephanie Hall of my staff at (213) 452-3410 or via e-mail at Stephanie.J.Hall@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.

U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT

Los Angeles District, Corps of Engineers

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INTERSTATE 5 CORRIDOR

I-5 NORTH COAST CORRIDOR PROJECT LIMITS

END PROJECT
I-5 KP R89.1
(PM R55.4)

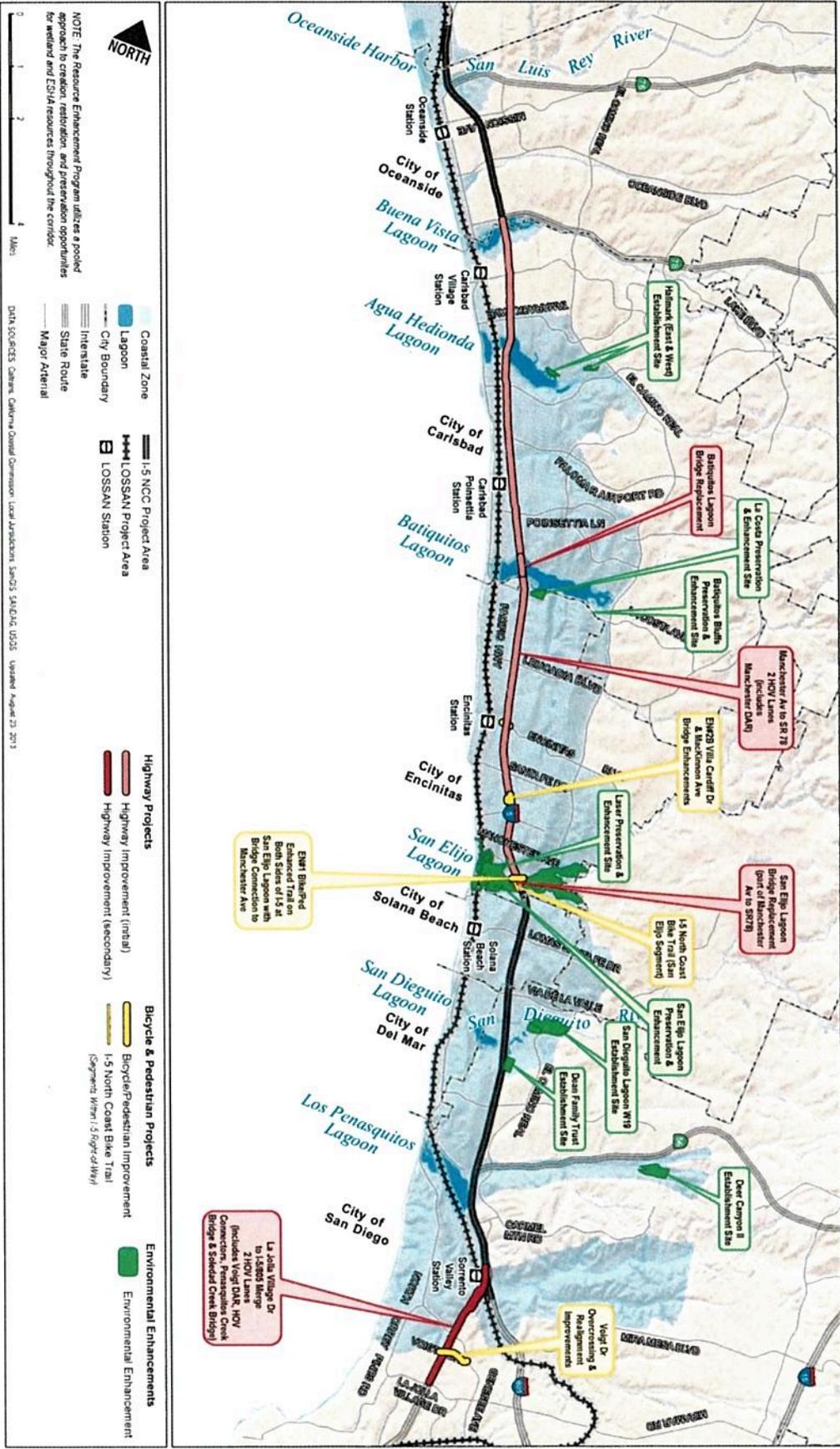


BEGIN PROJECT
I-5 KP R45.7
(PM R28.4)



11-SD-5
KP R45.7/KP R89.1
(PM R28.4/R55.4)
E.A. 235800

I-5 North Coast Corridor Project Location Map



NOTE: The Resource Enhancement Program utilizes a pooled approach to creation, restoration, and preservation opportunities for wetland and ESHd resources throughout the corridor.

DATA SOURCES: Caltrans, California Coastal Commission, Local Jurisdictions, SANDS, SATELITE, USGS. Updated August 23, 2013.

Project Improvements and Enhancements: 2010-2020 Phase



NOTE: The Resource Enhancement Program utilizes a pooled approach to create, restore, and preservation opportunities for wetland and ESA resources throughout the corridor.

Legend:

- Coastal Zone** (Light Blue)
- Lagoon** (Dark Blue)
- City Boundary** (Dashed Line)
- Interstate** (Thick Red Line)
- State Route** (Thin Red Line)
- Major Arterial** (Thin Black Line)
- 1-5 NCC Project Area** (Thick Red Line)
- LOSSAN Project Area** (Thin Red Line)
- LOSSAN Station** (Square with 'L')
- Highway Projects** (Thick Red Line)
- Highway Improvement** (Thin Red Line)
- Bicycle & Pedestrian Projects** (Yellow Line)
- Bicycle/Pedestrian Improvement** (Thin Yellow Line)
- 1-5 North Coast Bike Trail** (Thin Yellow Line)
- Environmental Enhancements** (Green)
- Environmental Enhancement** (Green)

Scale: 0 to 4 Miles

Metadata: DATA SOURCES: Caltrans, California Coastal Commission, Local Jurisdictions, SanGIS, SANDAG, USGS. Updated: August 23, 2013

Project Improvements and Enhancements: 2021-2030 Phase