



PUBLIC NOTICE

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

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**APPLICATION FOR PERMIT, NOTICE OF
AVAILABILITY FOR A DRAFT EIR/EIS AND
NOTICE OF PUBLIC MEETING**

Public Notice/Application No.: SPL-2009-00575-MBS

Project: San Elijo Lagoon Restoration

Comment Period: August 1, 2014 through September 29, 2014

Project Manager: Meris Bantilan-Smith; 760-602-4836; Meris.Bantilan-Smith@usace.army.mil

Applicant

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Contact

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Location

The San Elijo Lagoon is located along the coast between the cities of Solana Beach and Encinitas, extending inland to the community of Rancho Santa Fe, San Diego County, California (Latitude N 33.00833°, Longitude W -117.26667°; Figures 1-1, 1-2).

Activity

The San Elijo Lagoon Restoration Project (SELRP) has two components: (1) the restoration of the Lagoon and (2) the disposal or reuse of materials excavated as part of the restoration. The San Elijo Lagoon Conservancy (the applicant) proposes to restore ecological functions of San Elijo Lagoon by increasing tidal influence by reconfiguring lagoon elevations via grading/dredging and modifying water flow into the lagoon via changes to the ocean inlet and lagoon channels. Restoration of the lagoon has the potential to generate more than 1 million cubic yards (mcy) of excess material through dredging operations. Various options are available for disposal or reuse of that material (e.g., offshore ocean and/or upland placement or disposal, placement on the beach or nearshore, and reuse on-site), depending on its characteristics. These disposal and reuse options are shown in Figure ES-1. For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army (DA) permit for the activity described herein and shown on the attached drawings. We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the U.S. Army Corps of Engineers (Corps), Regulatory Division, you provide information that support 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 10 of the Rivers and Harbors Act and Section 404 of Clean Water Act. Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division, South Coast Branch
Attention: SPL-2009-00575-MBS
5900 La Place Court, Suite 100
Carlsbad, California 92008

Alternatively, comments can be sent electronically to: Meris.Bantilan-Smith@usace.army.mil

The mission of the Corps 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 U.S. 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 Environmental Protection Agency Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). 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- The Corps has determined that an Environmental Impact Statement is required for the proposed work and this public notice supplements the Notice of Intent to Prepare a Draft Environmental Impact Statement (EIS) that was published in the Federal Register in November 2011. The information in the Draft EIS will be sufficient for the Corps to make a decision regarding the issuance of a DA permit for the SELRP. The document will be a joint Federal and state document. The County of San Diego, Department of Parks and Recreation (County DPR) will prepare an Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act for the same project. The County DPR and Corps will work cooperatively to prepare a joint Draft EIR/EIS document, and to coordinate the public noticing and hearing processes under Federal and state laws.

The impact analysis will follow the directives in 33 CFR 325 which requires that it be limited to the impacts of the specific activities requiring a DA permit and only those portions of the project outside of "waters of the United States" over which the Corps has sufficient control and responsibility to warrant Federal review. The Corps will extend the geographic scope of the environmental analysis beyond the boundaries of "waters of the United States" in certain areas to address indirect and cumulative impacts of the regulated activities, and to address connected actions pursuant to the NEPA guidelines (40 CFR 1508(a)[1]). In these upland areas, the Corps will evaluate impacts to the environment and identify feasible and reasonable mitigation measures and the appropriate state or local agencies with authority to implement these measures if they are outside the authority of the Corps.

The Draft EIR/EIS will be available for public review at the County of San Diego, Department of Parks and Recreation office located at 5500 Overland Avenue, Suite 410, San Diego, CA 92123. The Draft EIR/EIS will also be available for public review at the following website: http://www.co.san-diego.ca.us/parks/public_review.html.

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 that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps prior to permit issuance.

Coastal Zone Management- The applicant has certified that the proposed activity would comply with and would be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. The District Engineer hereby requests the California Coastal Commission's concurrence or non-concurrence.

Essential Fish Habitat- San Elijo Lagoon is designated as an estuarine Habitat Area of Particular Concern (HAPC). The Corps' preliminary determination indicates that the proposed lagoon restoration and material disposal/reuse activities may adversely affect essential fish habitat (EFH) for Pacific Groundfish and Coastal Pelagic species. Based on this determination and pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Corps will initiate EFH consultation with the National Marine Fisheries Service. The Corps would ensure that the proposed project would be in full compliance with the MSA.

Cultural Resources- As part of the NEPA and DA Permit authorization process, the Corps is required to evaluate all cultural and historic resources within the Corps' scope of analysis in the project area. In July 2014, the Corps contacted the Native American Heritage Commission and received a list of Native American individuals/organizations that could have knowledge of cultural resources in the project area. In July 2014, letters were forwarded to all the individuals and organizations on the above list requesting any information or comments regarding the proposed project area. The Corps will initiate consultation with the State Historic Preservation Officer (SHPO) to determine the adequacy of the inventory of cultural resources located within the Project's Area of Potential Effect, and the evaluation of those resources in accordance with the National Historic Preservation Act (NHPA). The Corps would ensure that the proposed project would be in full compliance with Section 106 of the NHPA.

Endangered Species- The Corps has determined the proposed project may affect several federal-listed threatened or endangered species, including light-footed clapper rail (*Rallus longirostris levipes*), western snowy plover (*Charadrius alexandrinus nivosus*), California least tern (*Sternula antillarum browni*), southwestern willow flycatcher (*Empidonax traillii extimus*), least Bell's vireo (*Vireo bellii pusillus*), and coastal California gnatcatcher (*Polioptila californica californica*). The Corps has also determined the proposed project may affect designated critical habitat for coastal California gnatcatcher and western snowy plover. Based on this determination, formal consultation under Section 7 of the Endangered Species Act (ESA) will be required. The Corps would ensure that the proposed project would be in full compliance with Section 7 of the ESA.

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.

Public Meeting- Two Public Meetings on the Draft EIR/EIS are currently scheduled:

Solana Beach

Tuesday, August 19, 2014
6:00 – 7:30 PM (PST)
La Colonia Community Center
715 Valley Avenue
Solana Beach, CA 92075

Encinitas

Wednesday, August 27, 2014
6:00 – 7:30 PM (PST)
Encinitas Community Center
1140 Oakcrest Park Drive
Encinitas, CA 92024
(cross-streets Encinitas Blvd. and Balour Dr.)

The public is invited to attend the public meetings to hear a presentation about the proposed SELRP, followed by an opportunity to ask questions and share ideas and concerns regarding the proposed project.

Proposed Activity for Which a Permit is Required

The SELRP has two components: the restoration of San Elijo Lagoon and the disposal or reuse of materials excavated as part of the restoration.

The proposed project, Alternative 2A, would restore San Elijo Lagoon with improved ecological function. The proposed lagoon restoration is separated into four areas: 1) east basin, east of Interstate-5 (I-5); 2) central basin, between railroad tracks and I-5; 3) west basin, between Coast Highway 101 and railroad tracks; and 4) coastal area, between Pacific Ocean and railroad tracks.

Restoration activities would reconfigure lagoon elevations via grading/dredging and modify water flow into the lagoon via changes to the ocean inlet and lagoon channels. Alternative 2A-proposed project, shown in Figure 2-3, would improve tidal action by constructing a new inlet south of the existing inlet. The new inlet would require stabilization through the incorporation of cobble blocking features (CBFs) at the beach and development of a “prefilled ebb bar” located in the nearshore area outside of the new outlet location. A new bridge along Coast Highway 101 would also be constructed to span the proposed new inlet location, and would incorporate a dedicated pedestrian sidewalk for access along the shoreline.

Under Alternative 2A-proposed project, a new subtidal basin would be created just landward of the new inlet in the west and central basins to capture sediment entering the lagoon. The main tidal channel would be widened and redirected just west of I-5, and would then extend into the east basin. The southern channel and secondary channels within the central basin would also be improved. The existing channel in the east basin would be widened substantially and the existing weir would be completely removed. These actions would promote more tidal exchange east of I-5 and allow more freshwater flows to exit the lagoon. Man-made transitional habitat would be created by filling on top of, and alongside, the remnants of the weir. Three other areas of man-made transitional habitat above tidal elevations would be created in the central basin. Together, these would supplement the natural transitional habitat occurring in a band around the perimeter of the lagoon. A former sewage settling pond in the central basin would be filled and capped with sand for use as a nesting area. See Figure 2-3 for details.

The primary change in habitat distributions under Alternative 2A-proposed project would be an increase in open water areas/tidal channels and mudflat habitat within the lagoon compared to existing conditions. Open water areas and tidal channels would be increased in all three lagoon basins compared to existing conditions. Mudflat and open water/tidal channels would be actively created throughout the central basin and replace existing mid-marsh and low-marsh habitat. Similarly, open water/tidal channels and low-marsh would be actively created in the east basin where freshwater/brackish marsh currently exists. Increases to estuarine habitat (low-, mid-, and high-marsh) may also occur as a result of conversion of salt panne and freshwater/brackish marsh in the east basin as tidal expression increases.

Alternative 2A-proposed project would involve overexcavation of the proposed sedimentation basin so that poor-quality material (e.g., fine-grained) could be buried in an “overdredge” pit and covered with a sand cap. The good-quality (e.g., larger-grained) material from the overdredge pit in the central basin would then be available for beneficial reuse. It is anticipated that approximately 1.4 mcy of material is proposed to be exported for reuse for the initial implementation of Alternative 2A-proposed project. Approximately 500,000 cubic yards (cy) of this sand material from the overdredge pit would be placed in the ocean nearshore, west of the proposed inlet location to “prefill” the anticipated ebb bar that would form off the inlet. The remainder of the material is proposed for beneficial reuse at the SO-

5/SO-6 offshore stockpiling sites (outside littoral cell), nershore (inside littoral cell) at Cardiff, and/or onshore (beach receiver sites) at Leucadia beach, Moonlight beach, Solana beach, or Torrey Pines beach.

Changes to the I-5 and railroad crossings would be implemented by others, but changes to Coast Highway 101 are included in the proposed project. Bridge improvements at the I-5 crossing, as planned by Caltrans, would lengthen and deepen the existing channel opening. The railroad would remain in place and another bridge constructed by North County Transit District (NCTD) to span the proposed inlet, although the channel underneath the existing railroad tracks would require deepening for improved hydraulics as part of the NCTD Project. Rock armoring would be installed at all three features to provide channel bank and bridge abutment protection and prevent undermining by increased tidal/fluviat flows.

The CBFs would be two relatively short, low rock features along the sides of the tidal inlet channel. Routine maintenance dredging would be required to maintain appropriate inlet connection to the ocean, and approximately 300,000 cy is anticipated to be dredged from the inlet every 3 to 4 years. Maintenance would occur over a period of 5 months and the material is planned for placement on Cardiff Beach south of the new tidal inlet.

Additional Project Information

To satisfy the requirements of NEPA and to provide the basis for the Section 404(b)(1) alternatives analysis, a total of four alternatives are being considered including the No Project/No Federal Action Alternative (no construction or work within waters of the U.S.). All alternatives identified in the Draft EIR/EIS are analyzed at an equal level of detail to facilitate the Corps' decision. The decision made at the end of this analysis will be whether or not to permit the application for the proposed SELRP, as submitted by San Elijo Lagoon Conservancy.

For additional information please call Meris Bantilan-Smith of my staff at 760-602-4836 or via e-mail at Meris.Bantilan-Smith@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.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
5900 LA PLACE COURT, SUITE 100
CARLSBAD, CALIFORNIA 92008

WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY

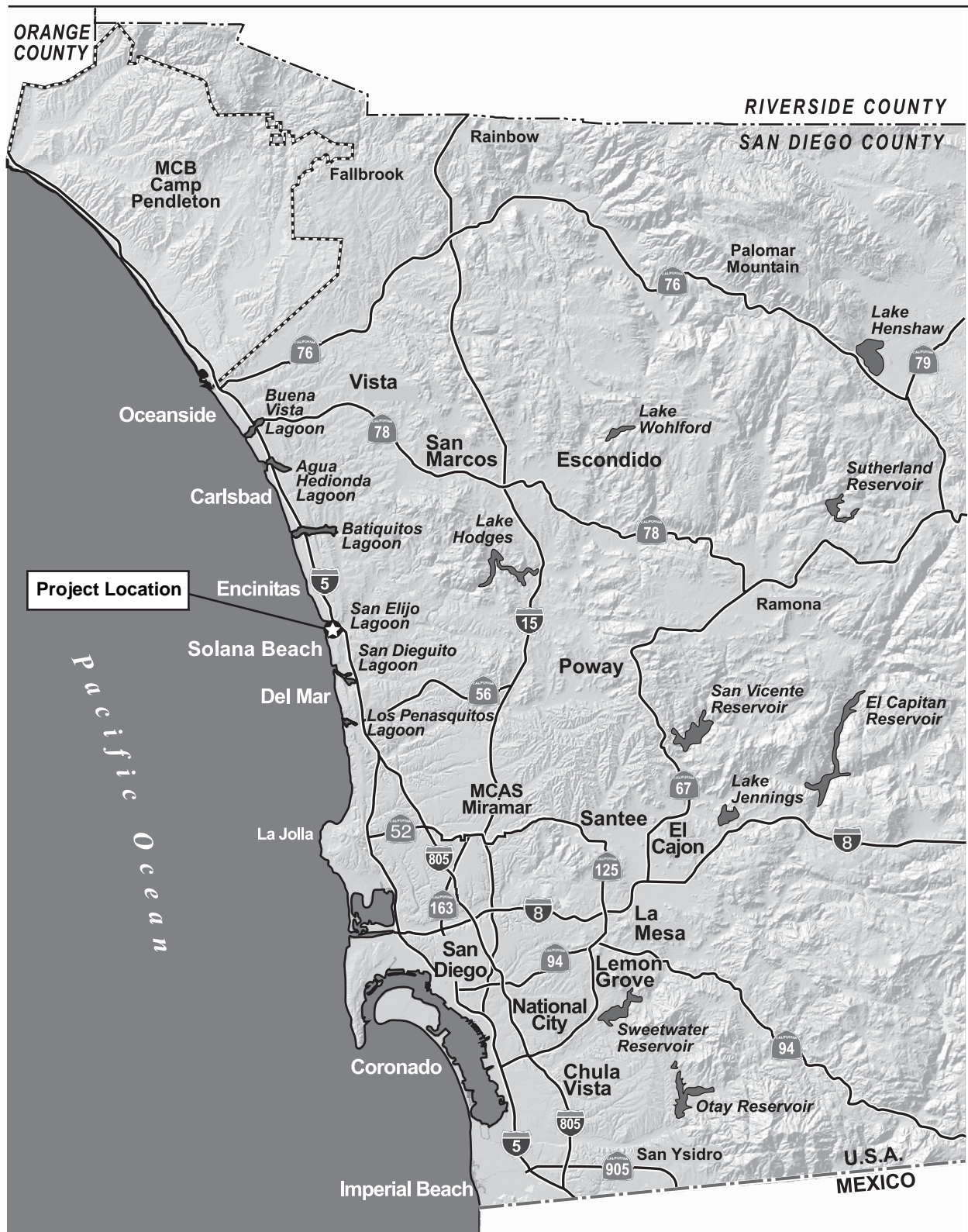
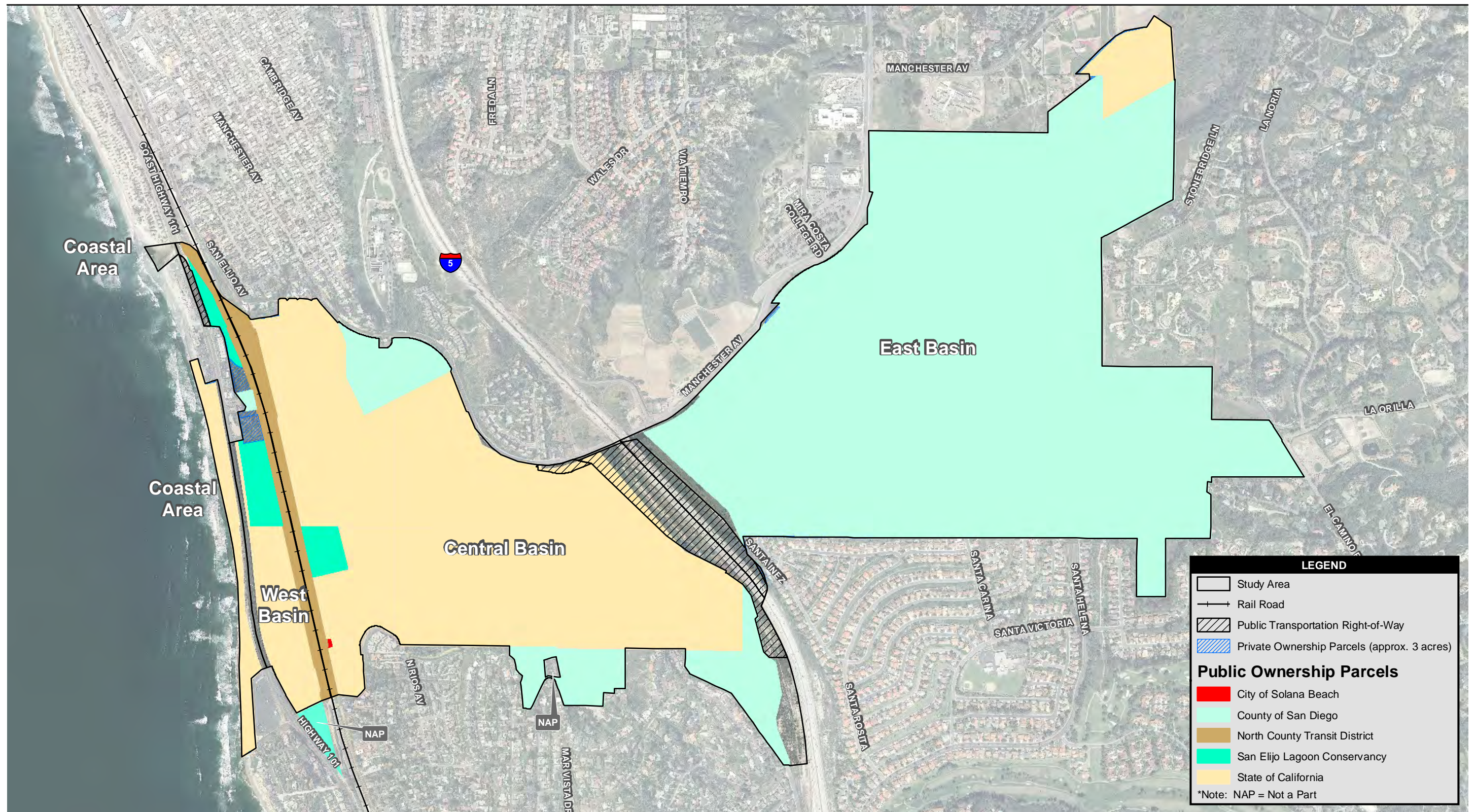


Figure 1-1
Regional Map



Source: LandisCor 2010; SanElijoConservancy; SanGIS; AECOM 2012

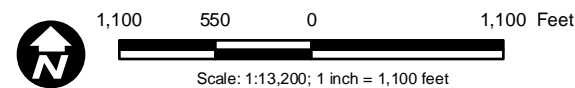
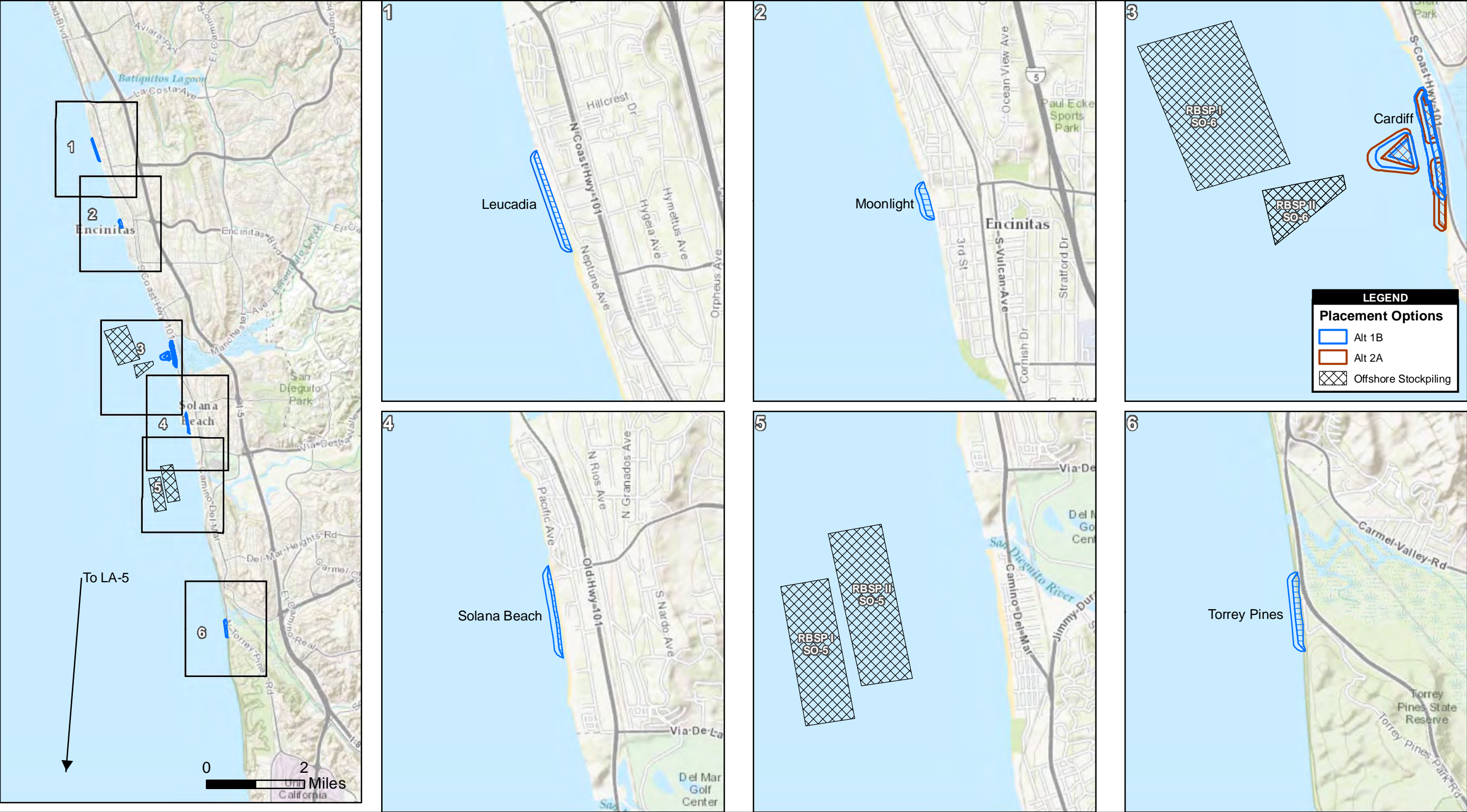


Figure 1-2
San Elijo Lagoon Restoration Project
Study Area and Land Ownership



Source: Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User Community; SanGIS 2012; Moffatt/Nichol 2012

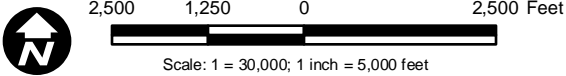


Figure ES-1
Potential Offsite Materials Placement Sites

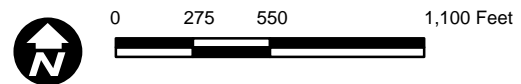
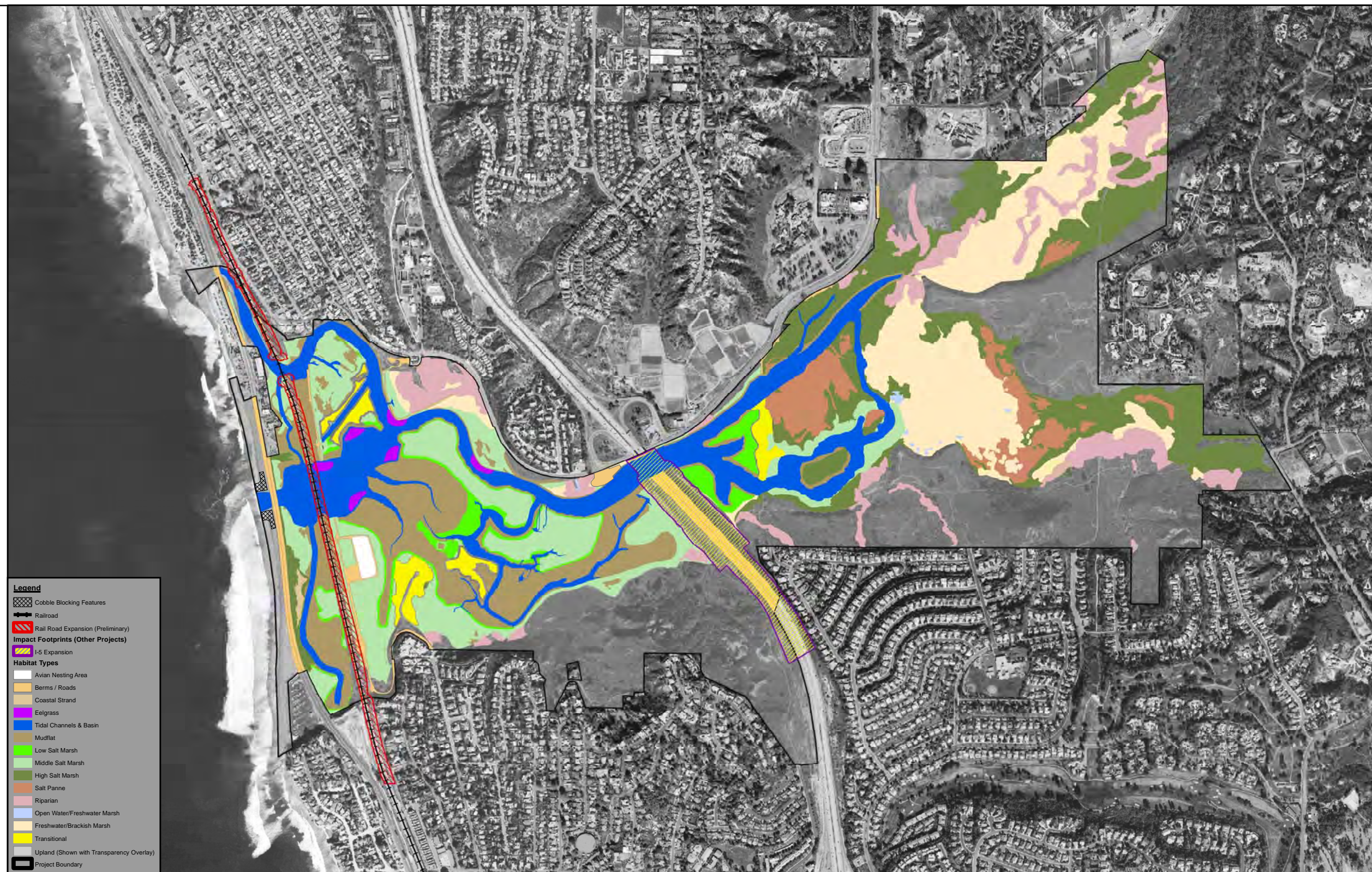


Figure 2-3
Alternative 2a