



PUBLIC NOTICE

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

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**APPLICATION FOR PERMIT
Gregory Canyon Landfill**

Public Notice/Application No.: SPL-2010-00354-SAS

Project: Gregory Canyon Landfill

Comment Period: September 24, 2015 through October 24, 2015

Project Manager: Shanti Abichandani Santulli; 760-602-4834; Shanti.A.Santulli@usace.army.mil

Applicant

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Location

The proposed Gregory Canyon Landfill would affect the San Luis Rey River and Gregory Canyon, in northern San Diego County, California (at Latitude/Longitude: 33.347777°, -117.117560°).

Activity

The proposed project would permanently discharge fill materials into approximately 0.542 acres and would temporarily discharge fill materials into 0.563 acre of jurisdictional waters of the United States (U.S.) within the San Luis Rey River and in Gregory Canyon associated with constructing a new Class III landfill. Specific U.S. Army Corps of Engineers (Corps) regulated activities include constructing a pile-supported bridge over the San Luis Rey River and discharging fill materials into approximately 5,021 linear feet of an unnamed water of the U.S. in Gregory Canyon to construct the landfill liner, stability berm, and ancillary facilities (see Figures 1, 2, and 3).

Interested parties are hereby notified a new application has been received for a Department of the Army (DA) permit for the activity described herein and shown on the attached drawing(s). Please note, the new application submitted requests a permit for the same project as previously proposed, per the background provided below.

A Notice of Intent to Prepare a Draft Environmental Impact Statement (EIS) associated with DA permit Application No. SPL-2010-00354 was published in the Federal Register on May 7, 2010. Subsequently, Corps issued a Notice of Availability and Notice of Public Hearing for a Draft EIS on December 12, 2012. The Draft EIS was circulated for public comments for 125 days, ending on April 15, 2013.

However, the Corps withdrew the DA permit application on April 28, 2014 pursuant to 33 CFR 325.2(d)(5), due to a lack of essential information needed from the applicant to continue with the permit application evaluation process. The applicant has since provided the essential information and a new DA permit application. The proposed project has not changed. However, the Corps is reissuing a public notice given the time elapsed since the Corps withdrew the original application. At this time, the Corps is resuming the permit evaluation process associated with the proposed project. All comments submitted by the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties during the 125-day comment period for the Draft EIS released on December 12, 2012 will be evaluated and addressed as part of the NEPA process and will be considered by the Corps in determining whether to issue, issue with special conditions, or deny the permit under Section 404 of the Clean Water Act. It is not necessary to resubmit comments on the Draft EIS in response to this public notice if you previously provided comments to the Draft EIS.

Comments on this notice should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Shanti Abichandani Santulli
5900 La Place Court, Suite 100
Carlsbad, CA 92008

Alternatively, comments can be sent electronically to: gregorycanyoneis-spl@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.

DA 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 timely permit decisions that minimize impacts to the environment and the 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, because the proposed action would discharge dredged or fill material into waters of the U.S., the evaluation of the activity will include application of the U.S. Environmental Protection Agency Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

Preliminary Review of Selected Factors

EIS- A Draft EIS was prepared for the project and was circulated from December 12, 2012 until April 15, 2013. Comments have been received on the Draft EIS. The Corps is in the process of reviewing the comments.

Water Quality- Subsection 401(a)(1) of the CWA, 33 USC § 1341(a)(1), provides that “[a]ny applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate...that any such discharge will comply with the applicable provisions of sections 1311, 1312, 1313, 1316, and 1317 of this title.” The State of California has authority to give such a certification, which it has delegated to the Regional Water Quality Control Board (RWQCB). If the RWQCB fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No permit shall be granted until the certification required by section 401 of the CWA has been obtained or has been waived. No permit shall be granted if certification has been denied by the RWQCB. The RWQCB received an application for the proposed project on December 1, 2011, determined the application complete on December 22, 2011, and denied the application without prejudice on January 31, 2012. The applicant has not yet submitted a new certification application.

Coastal Zone Management Act- For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing a DA permit 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. This project is located outside the coastal zone and is not expected to affect coastal zone resources. Therefore, compliance with the Coastal Zone Management Act is not required.

Essential Fish Habitat- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project. Therefore, consultation with the National Marine Fisheries Service is not required.

Historic Properties- Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to “take into account” the effect of their actions on sites and structures eligible for inclusion in the National Register of Historic Places (54 USC § 306108). The Advisory Council on Historic Preservation (“Advisory Council”) has promulgated regulations under section 106 to govern federal agency compliance with the NHPA at 36 CFR § 800. The section 106 process requires an agency to make a reasonable and good faith effort to identify historic properties, determine whether identified properties are eligible for listing on the National Register, and assess the effects of the undertaking on any eligible historic properties found. The agency must also avoid or mitigate any adverse effects. During the section 106 process, the agency must confer with the State Historic Preservation Officer (SHPO), and seek the approval of the Advisory Council. The agency must also consult with “any Indian tribe . . . that attaches religious and cultural significance to historic properties that may be affected by an undertaking.” 36 CFR § 800.2(c)(ii). The Advisory Council’s regulations require that the Corps enter into a Memorandum of Agreement (MOA) with the SHPO, and prepare and implement a Historic Properties Treatment Plan (HPTP) if there would be an adverse effect associated with the implementation of the undertaking.

To date, the Corps has consulted with the SHPO and Native American Tribes regarding the adequacy of the area of potential effects, the identification and evaluation of historic properties (including Traditional Cultural Properties), and the assessment of adverse effects to historic properties. Completion of the section 106 process is ongoing, an MOA is as yet to be executed, and a HPTP has as yet to be prepared.

Endangered Species- Under the Endangered Species Act (ESA) section 7(a)(2), each federal agency must insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of the species’ designated critical habitat (16 USC § 1536(a)(2)). In fulfilling this obligation, each agency is required to “use the best scientific and commercial data available.” If an agency determines that its actions “may affect” a listed species or its designated critical habitat, the agency must consult informally or formally with either the U.S. Fish and Wildlife Service (USFWS) within the Department of the Interior or the National Marine Fisheries Service within the National Oceanic and Atmospheric Administration, depending on the species at issue (50 CFR §§ 402.01, 402.14(a)–(b)).

The Corps has determined the proposed project may affect several federal-listed endangered species, including southwestern arroyo toad (*Bufo californicus*), least Bell’s vireo (*Vireo bellii pusillus*), and southwestern willow flycatcher (*Empidonax traillii extimus*). The Corps has determined the proposed project may affect designated critical habitat for these species as well as coastal California gnatcatcher (*Poliophtila californica californica*). Based on this determination, formal consultation with the USFWS under Section 7 of the ESA will be required. Consultation has yet to be initiated.

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 hearings shall state, with particularity, the reasons for holding a public hearing. Please note, a public scoping meeting was conducted on June 3, 2010 and a public hearing was held on January 31, 2013 during the public comment period for the Draft EIS.

Proposed Activity for Which a Permit is Required

As described in the Draft EIS, the proposed project is located in northern San Diego County on State Route 76 (SR 76) about three miles east of Interstate 15 (see Figure 1). A portion of Gregory

Mountain is located on the site. There are three large, regional easements that cross the property: SR 76, a San Diego Gas & Electric (SDG&E) transmission corridor, and San Diego County Water Authority Pipelines Nos. 1 and 2 (First San Diego Aqueduct). In addition, the San Luis Rey River traverses the site in an east-west direction.

The proposed project consists of the construction, operation, and closure of the proposed Gregory Canyon Landfill. The proposed landfill and its associated facilities would be located primarily on the south side of SR 76 and would occupy approximately 308 acres of the approximately 1,770-acre site (see Figure 2). The proposed landfill would have a maximum daily intake of 5,000 tons and an annual intake of up to 1.0 million tons. The landfill would accept solid waste disposal for approximately 30 years.

The landfill footprint, which would be constructed and filled in phases, would be approximately 197 acres (including relocated SDG&E transmission towers, see below) and would be located within Gregory Canyon. The landfill prism would consist of a double composite liner as well as a leachate collection and removal system with a protective cover. At times, periodic construction to open the next landfill cell would occur simultaneously with acceptance of solid waste.

Two borrow/stockpile areas, which would be used to store or excavate material for daily operation of the landfill, would be provided to the west of the landfill footprint. Borrow/Stockpile Area A, which would be about 22 acres in size, would be located adjacent to the western property boundary. A haul road would connect Borrow/Stockpile Area A with the landfill footprint. The haul road would be 20 feet wide and would run along the base of the adjacent hillside with turn-out locations for heavy equipment. Borrow/Stockpile Area B, which would be about 65 acres in size, would be located immediately to the west of the southern portion of the landfill footprint.

The project would include the construction of an access road and bridge that would cross the San Luis Rey River, which runs through the property. The approximately 35.5-foot-wide bridge would be approximately 640 feet in length, with five sets of support piles. In addition, the project includes modifications to SR 76 at the entrance to the site. The modifications would widen SR 76 from 52 to 64 feet to provide for an eastbound deceleration lane and a westbound left turn lane and would realign approximately 1,700 linear feet of roadway to the south of the existing alignment. The modifications are expected to improve sight distance and facilitate truck movements at the access road on SR76.

The access road would lead to the ancillary facilities area just north of the landfill footprint. The ancillary facilities area would include a booth and fee scale, an administration building, maintenance building, and a recyclable drop-off area. Two 10,000-gallon leachate-holding tanks, a 20,000-gallon water storage tank, a 20,000-gallon recycled water tank, and a 50 gallon per minute reverse osmosis system would be located in the ancillary facilities area.

In addition, the proposed project would include the relocation of SDG&E transmission towers located on the slope of Gregory Mountain and an option to relocate approximately 3,200 linear feet of San Diego County Water Authority Pipelines 1 and 2, which traverse the property. The proposed project would include the dedication of a minimum of 1,313 acres of the site as permanent open space for long-term preservation of sensitive habitat and species.

The Draft EIS provides additional information on the proposed project and is available on the Corps' website at <http://www.spl.usace.army.mil/Missions/Regulatory/ProjectsPrograms.aspx>.

Proposed Special Conditions

None at this time.

For additional information please call Shanti Abichandani Santulli at 760-602-4834 or via e-mail at gregorycanyoneis-spl@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

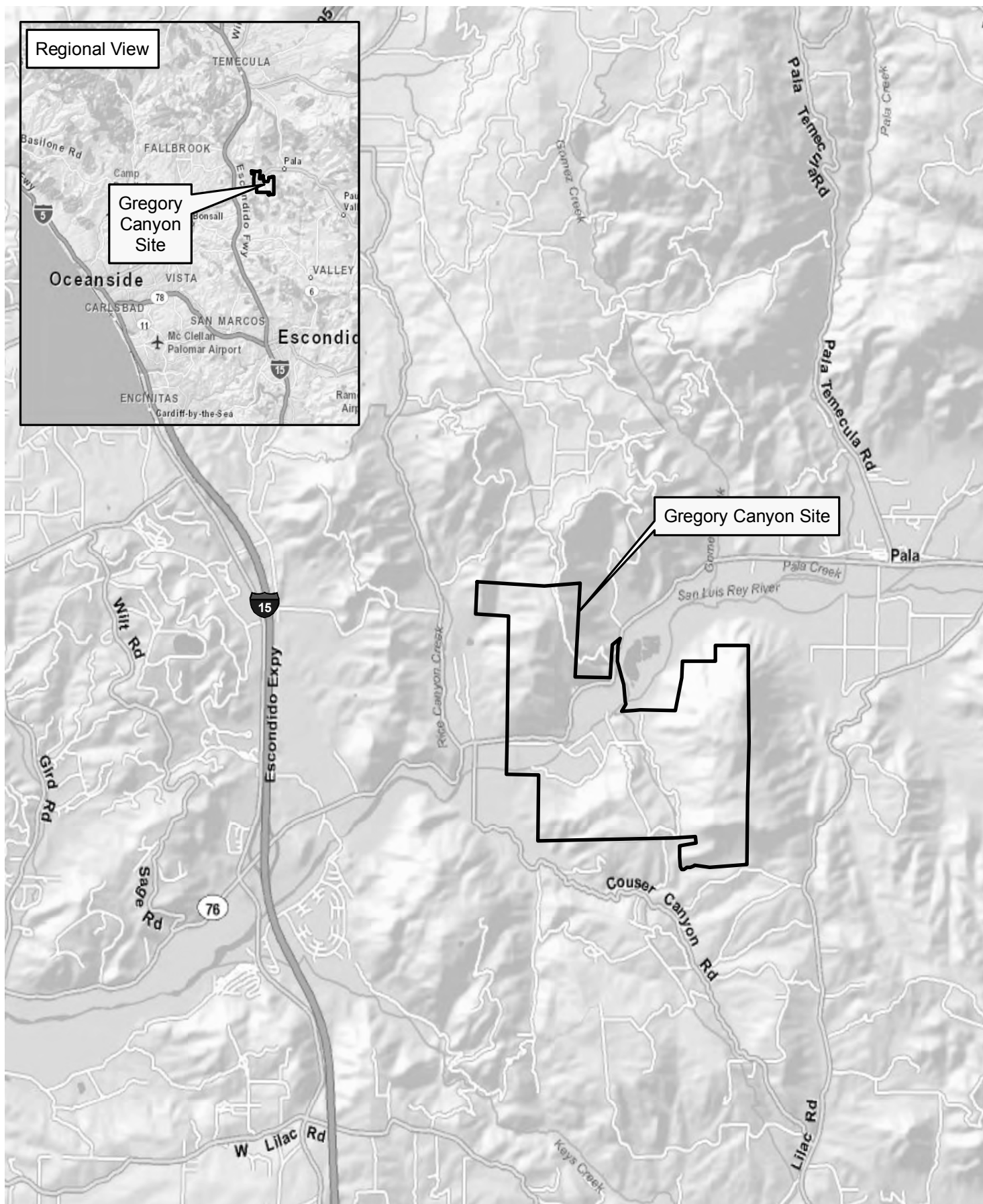


Regulatory Program Goals:

- 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.

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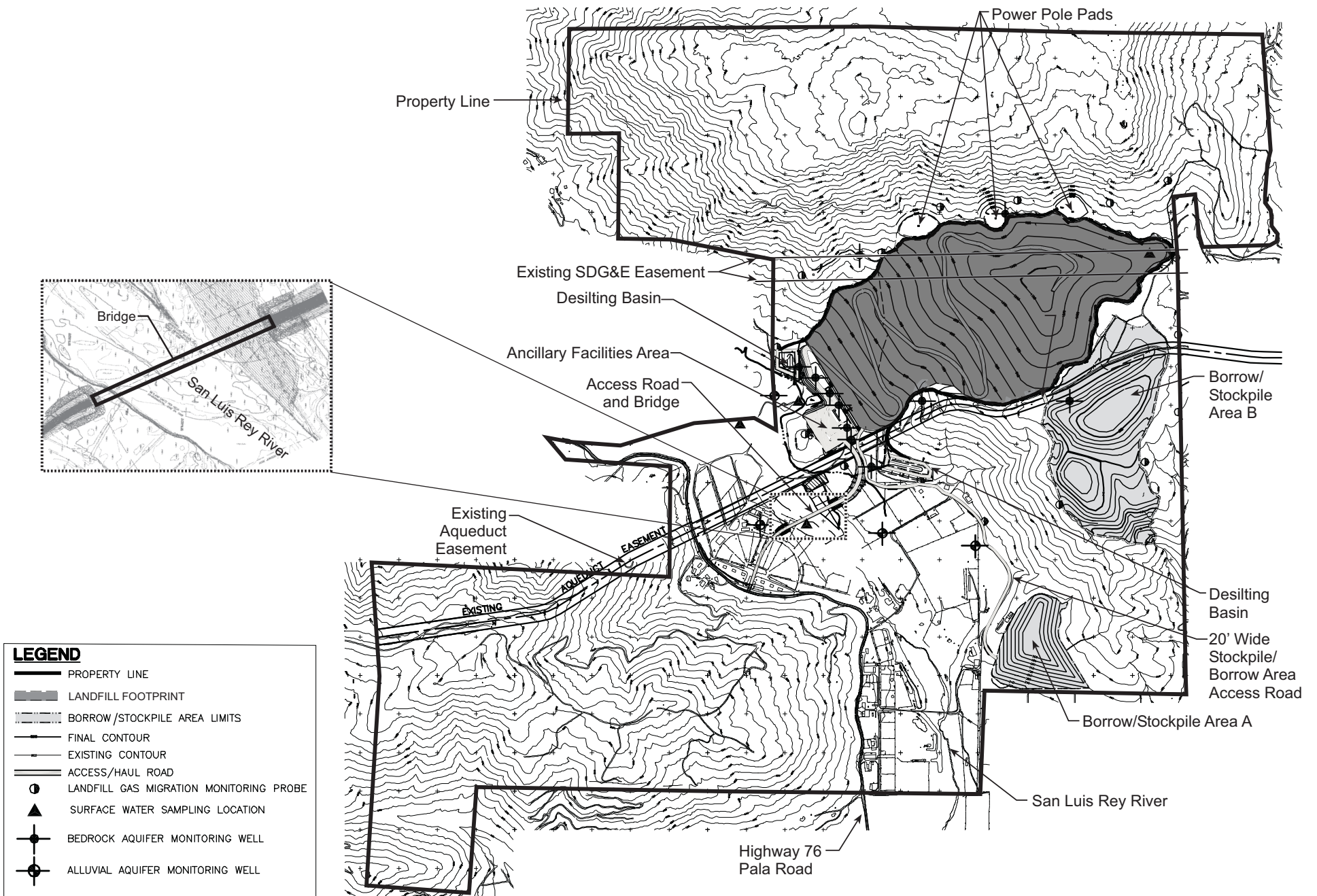


Gregory Canyon Project Site

Gregory Canyon
Source: ESRI Street Map, 2009; PCR Services Corporation, 2012.

FIGURE

1



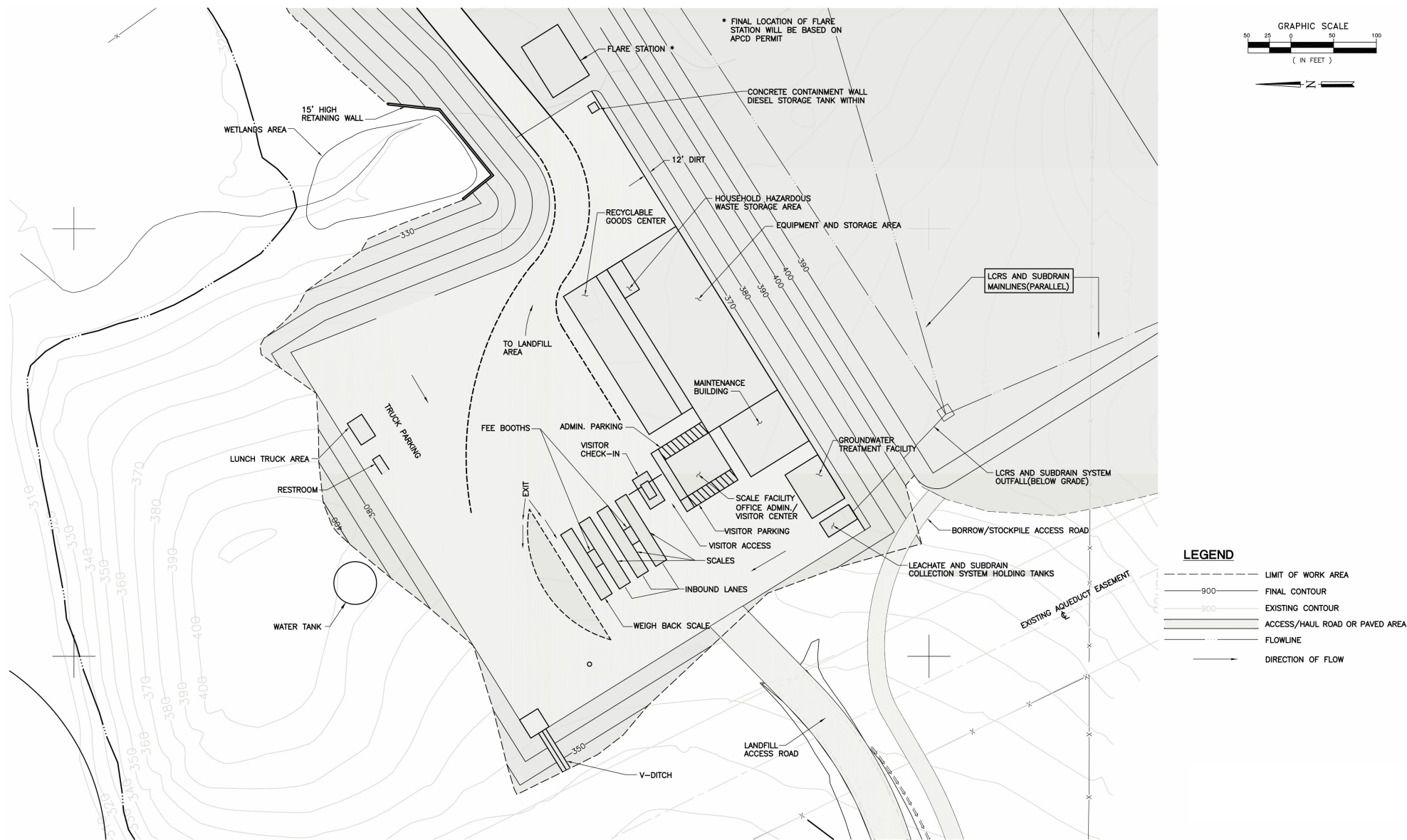
Proposed Site Plan

Gregory Canyon

Source: Bryan A. Stirrat & Associates, 2002 and PCR Services Corporation, 2012.

FIGURE

2



Ancillary Facilities Area

Gregory Canyon

Source: BAS, 2003; PCR Services Corporation, 2012.

FIGURE

3