

MEMORANDUM

U. S. Department  
of Transportation

United States  
Coast Guard

Subject: DETERMINATION OF NAVIGABILITY, LOS  
PENASQUITOS LAGOON, SAN DIEGO COUNTY, CA

Date: MAR 5 1986  
16594/A2

From: District Legal Officer

To: Chief, Aids to Navigation Branch

Reply to: (dl), x207  
Attn. of: LCDR Brooks

Ref: (a) Your memo 16594/PF, oan 067-86 of 3 March 1986  
(b) COMDTINST 16210.1B  
(c) 33 CFR Sec. 2.05-25(a)(2)

1. Los Penasquitos Lagoon is located in San Diego County, approximately 19 miles north of the City of San Diego and one mile south of the City of Del Mar. The lagoon lies at the mouth of the Los Penasquitos drainage basin at the western end of Carmel and Sorrento Valleys. The lagoon encompasses an area about one mile long and one-half mile wide and consists of flat marshland with deep tidal channels and occasional tidal and salt flats. The lagoon is subject to tidal inundation.

2. The Army Corps of Engineers considers Los Penasquitos Lagoon navigable under the River and Harbor Act of 1899 to a point on shore 2.5 feet above mean sea level. On 18 February 1986, discussions with Commander George Lucas of the Los Angeles District confirmed that the Corps of Engineers considers the Los Penasquitos Lagoon navigable to the present location of Interstate 5.

3. In my opinion, the Los Penasquitos Lagoon is a navigable water of the United States, subject to Coast Guard jurisdiction, at least to the site of the proposed Interstate 5 project. This opinion is based on the following facts. First, the Los Penasquitos Lagoon is inland waters of the United States that are subject to tidal influence to the present location of Interstate 5. Second, the California Department of Transportation proposal to dredge a channel under Interstate 5 to the main body of the lagoon will ensure tidal influence under Interstate 5. Third, some commerce is present on the lagoon in the form of limited pleasure boating.

4. Because Los Penasquitos Lagoon is a navigable water of the United States, you may exercise Bridge Administration jurisdiction over the proposed widening of Interstate 5. In your response to the California Department of Transportation, please indicate that several Army Corps of Engineer permits may be required for their planned dredging.

5. A record of this determination will be maintained in the Eleventh District Legal Office.

E. ALEX BLANTON

AEB

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