



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT Caltrans State Route 76 - East

Public Notice/Application No.: SPL-2009-00051-SJH

Project: Caltrans SR-76 (EAST) South Mission Road to Interstate (I) 15 Highway Improvement Project, San Diego, California

Comment Period: June 3, 2013 through July 3, 2013

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

Applicant

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District 11
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Contact

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Location

The proposed activities are located along State Route 76 (SR-76), and are bounded by South Mission Road, in the unincorporated community of Bonsall, to just east of Interstate (I) 15, in the community of Fallbrook. Specifically, the proposed activities occur in the San Luis Rey River floodplain, and various tributaries of the San Luis Rey River, between Post Miles (PMs) 12.1 and 17.1. (approximate center point Lat/Long: 33.294469°N, -117.221586°W). Please refer to the attached Regional Map and Project Map (figures 1 & 2).

Activity

To permanently impact 5.46 acres and temporarily impact 5.01 acres of waters of the U.S. through discharges of fill during the following activities: replacement and/or extension of existing culverts; replacement of Live Oak Creek Bridge, to be relocated south of the existing bridge; slope stabilization; cut-and-fill activities; and temporary water diversions and haul roads for construction equipment access. These activities are associated with the widening and realignment of SR-76, between South Mission Road and I-15. Please refer to the attached drawings. For more information see page 3 of this notice. Additional information concerning the impacts of the proposed project is contained in the final EIR/EIS and its appendices. The final EIR/EIS is available on the internet at http://www.dot.ca.gov/dist11/Env_docs/SR-76eastfeireis.pdf. 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 activity described herein and shown on the attached drawing(s). We invite you

to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under section 404 of the Clean Water Act (CWA). Comments should be mailed to:

Los Angeles District, Corps of Engineers (ATT: SPL-2009-00051-SJH)
P.O. Box 532711
Los Angeles, California 90053-2325

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

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

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The 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. In addition, if the proposal would discharge dredged or fill material,

which the proposed project would, the evaluation of the activity includes application of the EPA Guidelines (40 CFR part 230) as required by section 404 (b)(1) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- On October 14, 2008, a Notice of Intent was published in the Federal Register, advising the public that the Federal Highway Administration (FHWA), in cooperation with the California Department of Transportation (Caltrans), would prepare an Environmental Impact Statement (EIS) for the proposed project, 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 January 14, 2009, 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 Environmental Impact Report/Environmental Impact Statement (EIR/EIS), prepared by Caltrans, under the authority of the FHWA as lead federal agency, was published in the Federal Register on September 3, 2010, for a 60-day public review period. On April 17, 2012, a "Notice of Final Federal Agency Action" for the proposed project was prepared by the FHWA on behalf of Caltrans, and published in the Federal Register. 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. The Corps will prepare our own Record of Decision (ROD) for the proposed action.

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 of Engineers prior to permit issuance.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates that it would not affect coastal zone resources. However, after a review of the comments received on this public notice and in consultation with the California Coastal Commission, the Corps will make a final determination of whether this project affects coastal zone resources.

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 feral agency, conducted all necessary coordination with the SHPO and the FHWA per the stipulations of the PA. Specifically, Caltrans initiated consultation with the SHPO on January 25, 2010 for the following: determination of the proposed undertaking's Area of Potential Effects, identification of potential historic properties, and evaluation of identified resources for eligibility for inclusion in the National Register of Historic Places (NRHP). Per stipulation X(B)(2)(B), Caltrans concluded consultation with the SHPO through transmittal of its findings, that the proposed undertaking would result in "No Adverse Effect" to historic properties included in or eligible for inclusion on the NRHP with the implementation of standard conditions. Correspondence from the SHPO to Caltrans dated March 29, 2010 (FHWA100218A), stated "no objections to Caltrans Findings of No Adverse Effect". Please refer to Chapter 3.12 in the final EIS/R for additional information regarding impacts to historic properties.

The Native American consultation program for this proposed project was developed as a continuation of the consultation processes directed by Michael Baksh, Ph.D., for the SR-76 Melrose to Mission Corridor Improvement Project. This process is described in the report "Native American Consultation for the State Route 76 Melrose to Mission Corridor Improvement Project," published on May 5, 2006, by Dr. Baksh. As such, Native American consultation focused on the Luiseño tribes of southern California. Key parties involved in the section 106 consultation process include Caltrans District 11, EDAW AECOM consulting services; and Luiseño tribes, including the La Jolla Band of Mission Indians, Rincon Band of Mission Indians, Pala Band of Mission Indians, Pauma Band of Mission Indians, Pechanga Band of Mission Indians, Soboba Band of Luiseño Mission Indians, and San Luis Rey Band of Luiseño Indians. All of the Bands are federally recognized, except for the San Luis Rey Band of Luiseño Indians. Additionally, in May 2006, a wide range of tribal representatives were contacted by means of a general letter, soliciting input to determine if they had an interest in the project area. In August of 2006, local Native American representatives and the Native American Heritage Commission (NAHC) were sent updated information letters and study maps. Additional correspondence followed and included telephone conversations, letters, email messages, and faxes. In-person meetings between tribal representatives, Caltrans and EDAW staff were also held. In addition, tribal representatives were engaged as field monitors for project area cultural resource studies. Tribal representatives also provided comments on the draft EIR/EIS. Comments were addressed in Appendix M of the final EIR/EIS.

A request for a Sacred Lands File records search was submitted to the NAHC on May 15, 2006. A reply from the NAHC was received on June 5, 2006, identifying the Gird Rock Art site as being in close proximity to the project area. Further consultation with Ruth Calac of the Rincon Band of Mission Indians determined that the site is located outside of the project limits and that Caltrans would depict this site as an "Environmentally Sensitive Area" on all project plans. A records search, consisting of archaeological and historical records and literature review at the South Coastal Information Center (SCIC) of the California Resources Information System (CHRIS) at San Diego State University and the San Diego Museum of Man, was conducted on August 4 and 18, 2005. The record search was updated on April 28, 2008, consulting the same institutions. Additionally, quarterly digital CHRIS updates were examined throughout 2009 to ensure that no new resources had been recorded within the APE. Geo finder (a database maintained by SCIC); the Directory of Properties (maintained by the California Office of Historic Preservation); National Archaeological Data Base (NADB) bibliographic search; historic maps; and USGS maps were also consulted. Studies identified 25 prehistoric archaeological resources within a 0.5-mile radius of the study area. Of these 25

resources, 12 were identified within the study corridor. Also identified within the study corridor were six historical resources. None of these resources are within the APE established for this undertaking.

Endangered Species- Based on historical data and biological surveys conducted between 1998 and 2013, Caltrans determined that the following Federally listed species have been observed within or near the project area: endangered San Diego ambrosia (*Ambrosia pumila*), endangered southern steelhead (*Oncorhynchus mykiss*), endangered arroyo toad (*Bufo microscaphus c.*), threatened coastal California gnatcatcher (*Polioptila californica californica*), endangered least Bell's vireo (*Vireo bellii pusillus*), and endangered southwestern willow flycatcher (*Empidonax traillii extimus*). Additionally, designated critical habitat for all of these endangered species occurs with the project area.

Caltrans, under the authority of the FHWA as lead federal agency, initiated formal 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 June 8, 2011, NMFS concurred with the Caltrans determination that the proposed action is not likely to adversely affect southern steelhead. In regards to arroyo toad, southwestern willow flycatcher, least Bell's vireo, coastal California gnatcatcher, and San Diego ambrosia, the USFWS issued its biological opinion (BO:FWS-SDG-09B0003-11F0420), dated September 22, 2011, stating that the proposed activities are "not likely to jeopardize the continued existence or recovery of all these species or result in the destruction or adverse modification of their designated critical habitat". Considerations in these determinations included the potential effects of the proposed action, which incorporated proposed conservation measures to minimize the potential adverse effects. "Take" was granted for coastal California gnatcatcher and least Bell's vireo; "capture and release" was granted for arroyo toad. However, prior to construction, all San Diego ambrosia within the direct impact area (approximately 2,633 ramets on <0.01 acre) will be salvaged and translocated to the Morrison mitigation property, which is near the salvage location. Conservation and long-term management of the Morrison mitigation property is addressed in BO: FWS-SDG-08B0136-08F0900, for the State Route 76 Melrose Drive to South Mission Highway Improvement Project. An ambrosia translocation plan will be prepared and provided to the Carlsbad Fish & Wildlife Office (CFWO) for review and approval. The locations where the ambrosia ramets will be transplanted have been approved, following field review by the CFWO. The translocated ambrosia population will be monitored for a minimum of 5 years to document success or failure of the translocation efforts. As such, the USFWS concluded section 7 consultation concerning the proposed action on the above species and designated critical habitat. On October 25, 2011, Caltrans reinitiated section 7 consultation (Amendment 1), due to project modifications with the potential to affect coastal California gnatcatcher, least Bell's vireo, southwestern willow flycatcher, and arroyo toad not addressed in the original BO. Reinitiation of section 7 did not include San Diego ambrosia since project modifications did not impact additional plants or habitat. Based on additional information provided, the USFWS determined that the proposed project modification will not change the conclusion or alter the incidental take statements of the September 22, 2011 BO (B.O.: FWS-SDG-09B0003-12F0043, dated 29 Nov 11). As such, the USFWS concluded section 7 consultation concerning the proposed action on the above Federally listed species and their designated critical habitat. Please refer to Chapter 3.24 in the final EIR/EIS for detailed descriptions of impacts to Federally listed species and designated critical habitat. Finally, Caltrans requested an amendment to the BO in their letter to the USFWS, dated January 14, 2013, based on further project design refinements with the potential to affect coastal

California gnatcatcher, least Bell's vireo, southwestern willow flycatcher, and arroyo toad, and excluding the San Diego ambrosia, not addressed in the original BO or the first amendment request. Caltrans is awaiting a response to their most recent amendment request of January 14, 2013.

Essential Fish Habitat- This project is not expected to impact any areas designated as Essential Fish Habitat by the NMFS. As noted in the preceding section, Caltrans, District 11, initiated consultation with NMFS, pursuant to section 7 of the Endangered Species Act; and in a letter dated June 8, 2011, the NMFS concluded that the proposed project, based on the information provided, "is not likely to affect steelhead or critical habitat for this species, within the San Luis Rey River", in concurrence with Caltrans's determination.

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.

A total of 43 project Public Outreach meetings, open-houses, and presentations were held between September 13, 2001 and December 9, 2010 in association with this project. Outreach efforts included but were not limited to public meetings, open-houses, and presentations with the following: Bonsall Area for Rural Community, Bonsall Sponsor Group, Jeffries Ranch Homeowners Association, Lightfoot Planning Group, Oceanside City Council, Oceanside Transportation Commission, County of San Diego, Vista Chamber of Commerce, Native American Consultation, Fallbrook Sponsor Group, Vista Palomar Riders, and Intertribal TWG. Additional information regarding public scoping and outreach activities may be found in Chapter 5 of the EIS/EIR.

Proposed Activity for Which a Permit is Required

As noted on page 1, Caltrans proposes to permanently impact 5.46 acres and temporarily impact 5.01 acres of waters of the U.S. through discharges of fill during activities associated with the widening and realignment of SR-76, between post miles (PMs) 12.1 to 17.7, from South Mission Road in the community of Bonsall to just east of I-15, in the community of Fallbrook, in northern San Diego County, California. Approximately 30,000 cubic yards of soil and 70,000 cubic yards of rock would be discharged into waters of the U.S. Please refer to the attached figures 3-7 for locations of permanent impacts to waters of the U.S. Corps-regulated activities include the discharges of fill materials associated with the following activities at the following specific locations:

- 1) At post mile 12.96, in an unnamed stream, extend the existing 4-foot-high by 7-foot-wide set of four reinforced concrete box (RCB) culverts to the south, by approximately 70 feet;
- 2) At post mile 13.11, in an unnamed stream, remove the existing 4-foot-diameter by 70-foot-long RCP and the existing set of two 3-foot-diameter by 70-foot-long alternative pipe culverts (APC). Construct a new set of three 12-foot-wide by 7-foot-high by 166-foot-long box culverts (Wild Animal Crossing No. 1);
- 3) At post mile 13.1-13.6, San Luis Rey River, construct a 2,800-foot-radius curve, to accommodate standard site distances;
- 4) At post mile 13.67, in an unnamed stream, remove the existing 1.5-foot-long RCP and replace with a set of two 3-foot-diameter by 160-foot-long RCP. Construct a 1.5-foot-diameter by 55-foot-long RCP, and a 1.5-foot-diameter by 25-foot-long RCP;
- 5) At post mile 13.76, in an unnamed stream, remove the existing 1.5-foot-diameter by 50-foot-long RCP;

- 6) At post mile 14.06, in an unnamed stream, remove the existing set of two 3-foot-diameter by 100-foot-long RCP. Replace RCP with a 12-foot-wide and 7-foot-high by 170-foot-long box culvert (Wild Animal Crossing No. 2);
- 7) At post mile 14.68, Live Oak Creek Bridge, replace the existing bridge with a new, widened bridge, located just south of the current Live Oak Creek Bridge location. The new bridge will span a width of 125 feet and have a length of 108.5 feet, from abutment to abutment;
- 8) At post mile 14.90, in an unnamed stream, remove the existing 18-inch-diameter concrete metal pipe (CMP) and replace it with a new 48-inch-diameter by 150-foot-long RCP;
- 9) At post mile 15.12, in an unnamed stream, remove and replace the existing 24-inch-diameter by 50-foot-long CMPs with two new RCPs. One 36-inch-diameter by 150-foot-long RCP will be constructed on the Westside of the existing driveway, and the other 24-inch-diameter by 150-foot-long RCP will be constructed on the east side of the existing driveway.
- 10) At post mile 15.20, San Luis Rey River, construct a temporary haul bridge on the dirt road

Drainage and	Type of Waters of	Permanent (acres)	Temporary (acres)
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south of the existing SR-76; and

- 11) At post mile 15.22, in an unnamed stream, remove two existing 24-inch-diameter by 75-foot-long CMPs. Replace removed CMPs with one 24-inch-diameter by 150-foot-long RCP.

Location ()	the U.S.		
Unnamed Stream (1) Post Mile 12.96	Wetland		
	Non-Wetland	0.02	0.01
Unnamed Stream (2) Post Mile 13.11	Wetland	0.1	0.02
	Non-Wetland	0.01	
San Luis Rey River (3) Post Mile 13.1-13.6	Wetland	1.94	3.34
	Non-Wetland		0.03
Unnamed Stream (4) Post Mile 13.67	Wetland		
	Non-Wetland	0.02	0.01
Unnamed Stream (5) Post Mile 13.76	Wetland		
	Non-Wetland		0.01
Unnamed Stream (6) Post Mile 14.06	Wetland	0.1	0.01
	Non-Wetland	0.01	0.01
Live Oak Creek (7) Post Mile 14.68	Wetland	0.3	0.14
	Non-Wetland	0.06	0.01
Unnamed Stream (8) Post Mile 14.90	Wetland	1.4	0.07
	Non-Wetland		
Unnamed Stream (9) Post Mile 15.12	Wetland	1.4	0.07
	Non-Wetland		
San Luis Rey River (10) Post Mile 15.20	Wetland		1.21
	Non-Wetland		0.04
Unnamed Stream (11) Post Mile 15.22	Wetland	0.1	0.03
	Non-Wetland		
Totals	Wetland	5.34	4.89
	Non-Wetland	0.12	0.11
Total Impacts		5.46	5.01

Table 1: Impacts to Jurisdictional Waters of the U.S. Associated with the Proposed Project Activities at 11 locations

The calculations of impacts to waters of the U.S. are based on a jurisdictional delineation performed by EDAW, Inc. for Caltrans with data gathered in March through July 2007 and 2008. The delineation was verified by Corps staff, upon submittal of the "Preliminary Jurisdictional Determination" prepared and submitted by Caltrans in April 2012. Pursuant to Corps Regulatory Guidance Letter (RGL) 08-02, preliminary jurisdictional delineations are non-binding, written indications that there may be waters of the U.S., including wetlands, on a parcel(s), and, pursuant to paragraph 1(s) of RGL 05-02, they have no expiration date. They may be treated as jurisdictional in computing impacts and compensatory mitigation requirements for a proposed action such as this one for SR-76.

Construction is proposed to begin in January 2014, and completed in approximately 24 months. Please refer to Chapter 3.21 in the final EIR/EIS for additional depictions of jurisdictional boundaries and proposed impacts to jurisdictional waters of the U.S.

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 only when the proposed 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 for the proposed project is highway mobility improvements. The 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 and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to maintain or improve the existing and future traffic operations in the SR-76 corridor, between South Mission Road and I-15, 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 2030. The objectives of the proposed project are the following:

- 1) Maintain or improve future traffic levels of service in 2030, over the existing levels of service;
- 2) Maintain or improve travel times within the corridor;
- 3) Improve safety conditions for motorists and the general public along the corridor;
- 4) Provide a facility that is compatible with future transit and other modal options;
- 5) Provide consistency with the San Diego Regional 2030 Transportation Plan (SANDAG 2030 RTP, SANDAG 2007) where feasible and in compliance with Federal and state regulations;
- 6) Maintain the facility as an effective link in the intra-regional and inter-regional movement of people and goods, including facilitating the movement of vehicles traveling west, from I-15 toward Oceanside, Fallbrook, and Oceanside, and those traveling east from those communities, to I-15;
- 7) Protect and/or enhance the human and natural environment along the SR-76 corridor;
- 8) Implement aspects of "net benefit" as required by TransNet (the regional initiative for funding transportation projects) and agreed upon by the resource agencies during development of the project's EIR/EIS;
- 9) Protect and maintain community character and the rural landscape within the corridor; and
- 10) Accommodate existing and proposed equestrian and hiking trail connections where feasible and in compliance with Federal and state regulations.

Additional Project Information

The FHWA, Federal Transit Administrator (FTA), Caltrans, U.S. Environmental Protection Agency (EPA), Corps, USFWS, and NMFS executed a Memorandum of Understanding (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 impact greater than 5 acres of waters of the U.S. The MOU was revised and executed in May 2006. Intended benefits of 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 FHWA has delegated its responsibilities for environmental consultation and coordination under NEPA and the CWA to Caltrans for the proposed project, pursuant to section 6005 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). As such, Caltrans, acting as the Federal lead agency, has prepared the EIS for the proposed project, following the Council on Environmental Quality (CEQ) "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act" of November 29, 1978.

The signatory agencies to the MOU have been actively engaged in a collaborative process to fulfill the procedural and substantive requirements of the MOU, beginning in September 2008. As part of the formal process, the Corps provided written concurrence on the NEPA project purpose and need on September 4, 2009 (the NEPA project purpose serves as the overall project purpose for determining compliance with the Section 404(b)(1) Guidelines [40 CFR part 230]). On April 18, 2011, the Corps provided written concurrence on the preliminarily identified Least Environmentally Damaging Practicable Alternative (LEDPA) and conceptual mitigation plan. The final LEDPA determination will not occur until we prepare 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- Two build alternatives were carried forward for detailed, co-equal study in the EIR/EIS – the Existing Alignment Alternative and the Southern Alignment Alternative. 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 two build alternatives focused on minimizing floodplain encroachment to the maximum extent practicable. Neither of the proposed build alternatives would support incompatible floodplain development, interrupt transportation routes upstream, or greatly increase risks to life or property. In the final EIR/EIS, the Existing Alignment Alternative was identified as the NEPA preferred alternative and preliminarily identified as the LEDPA. For the detailed evaluation, please refer to the draft section 404 Alternatives Analysis in Appendix F in the final EIR/EIS.

Existing Alignment Alternative- The "Existing Alignment Alternative" would expand the existing two-lane (one eastbound, one westbound) conventional highway to four lanes, two eastbound and two westbound, with right-of-way and grading to accommodate a possible future widening when justified. Please refer to the attached "Typical Cross Section" (figure 8). The total roadway length is approximately 5.6 miles. The proposed alignment primarily adheres to the existing alignment, with minor shifts at specific locations, to accommodate gradual curves or widening. The existing Live Oak Creek Bridge would be widened by approximately 62 feet to the south. Bridge improvements would include extending the abutments and adding additional columns to support the construction. Widening would consist of constructing a new bridge adjacent to the existing approximately 64-foot-wide Live Oaks Creek Bridge structure. The new bridge would match the existing bridge, and the hexagonal flared columns would match the shape and appearance of the existing columns (figure 9). No other architectural treatment is proposed for the new bridge structure. The estimated cost of the Existing Alignment Alternative with a partial Cloverleaf Interchange Design (DV-1) is approximately \$213 million. As shown in Table 2 below, the discharges of fill material would result in permanent impacts to 5.46 acres (5.34 acres wetlands, 0.12 acres non-wetlands) of waters of the U.S., and temporary impacts to 5.01 acres (4.89 acres wetlands, 0.11 acres non-wetlands) of waters of the U.S. It would also result in indirect impacts to 11.75 acres of wetland waters of the U.S. As evaluated in the project's BO (FWS SDG 09B003 11F0420, dated September 22, 2011, as amended) and as also identified in Table 2, indirect impacts within approximately 300 feet of the direct impact/fill discharge areas are expected to occur. Indirect impacts include increased noise, edge effects, habitat fragmentation, loss of access to habitat, increased predation, potential introduction of invasive plant

and animal species, erosion, degradation of water quality, increased urbanization, and human intrusion. Moreover, it is expected the new construction would have indirect impacts on downstream channel stability through changes in the rate and volume of runoff, the sediment load, due to changes in the land surfaces, and other hydraulic changes from stream and/or creek encroachments, crossings, or realignment. The design of the Existing Alignment Alternative would result in a maximum 3-inch-high increase in the water surface elevation.

Southern Alignment Alternative- The Southern Alignment Alternative would also expand the existing conventional highway to four lanes, with right-of-way and grading to accommodate a possible future widening when justified. Please refer to the attached “Typical Cross Section”. As with the Existing Alignment Alternative, the total roadway length affected would be approximately 5.6 miles. However, the existing SR-76 would mostly be located south of the San Luis Rey River along a relatively undeveloped area, although the western and eastern ends of the alignment would be similar to or the same as the Existing Alignment Alternative. The Southern Alignment would require two new bridges crossing the San Luis Rey River. The westbound and eastbound lanes would be separated by a varying-width median. The first bridge crossing would consist of an eight-span concrete box girder bridge across the 100-year floodplain of the San Luis Rey River. Rock slope protection would likely be required to protect the bridge abutments and approach roads against scour. The second bridge crossing would consist of a four-span concrete box girder bridge, also crossing the 100-year floodplain of the San Luis Rey River. Rock slope protection would also likely be required to protect the bridge abutments and approach against scour at this location as well. The estimated cost of construction for the Southern Alignment Alternative with a partial cloverleaf interchange design (DV-1) is approximately \$322 million. This cost of this alignment with a spread diamond (DV-2) interchange design would be approximately \$319 million. This is approximately 50% more expensive than the Existing Alignment Alternative. The discharges of fill material would result in permanent direct impacts to approximately 0.20 acre of wetland waters and temporary impacts to 0.83 acre of wetland waters of the United States, but no impacts to non-wetland waters of the United States. It would also result in indirect impacts, as described in the preceding Existing Alignment Alternative, to approximately 27.32 acres of wetland waters of the U.S.

Table 2: Impacts to Waters of the U.S.

Riparian and Wetland Community Type	Impacts						
	No Build	Existing Alignment Alternative			Southern Alignment Alternative		
	Acres Impacted	Acres Impacted			Acres Impacted		
		Permanent	Temporary	Indirect	Permanent	Temporary	Indirect
Disturbed Wetland (Arundo Scrub)	0	0.10	0.02	0.18	0	0	0
Coastal and Valley Freshwater Marsh*	0	0	0	0.01	0	0	0
Mulefat Scrub*	0	0	0	0	0.05	0	0.12
Southern Cottonwood-Willow Riparian Forest*	0	2.88	3.71	7.41	0.11	0.52	24.80
Southern Riparian Scrub*	0	0	0	0	0.04	0.31	0

Riparian and Wetland Community Type	Impacts						
	No Build	Existing Alignment Alternative			Southern Alignment Alternative		
	Acres Impacted	Acres Impacted			Acres Impacted		
		Permanent	Temporary	Indirect	Permanent	Temporary	Indirect
Southern Willow Scrub (including disturbed)*	0	2.36	1.16	4.15	0	0	1.40
Total Corps Wetlands	0	5.34	4.89	11.75	0.20	0.83	26.32
Unvegetated Channel/Drainage Feature (Ordinary High Water Mark)	0	0.12	0.11	0	0	0	1.00
Total Unvegetated Channel/Drainage Feature (Ordinary High Water Mark)	0	0.12	0.11	0	0	0	1.0
Total Impacts	0	5.46	5.01	11.75	0.20	0.83	27.32

*Special Aquatic Sites

As shown in Table 2, the direct permanent and temporary impacts on waters of the U.S. would be considerably greater for the Existing Alignment Alternative (5.46 acres permanent; 5.01 acres temporary) than the Southern Alignment Alternative (0.20 acre permanent, 0.83 acre temporary). These differences in impacts to waters of the U.S. are mainly due to impacts to southern cottonwood-willow riparian forest and southern willow scrub: for the Existing Alignment Alternative, it would be 5.24 acres permanent and 4.88 acres of temporary impacts to waters of the U.S.; for the Southern Alignment Alternative, it would be 0.11 acre of permanent and 0.52 acre of temporary impacts to waters of the U.S. The impacts of the Existing Alignment Alternative on the San Luis Rey River's jurisdictional waters would be partly due to the attempt to maximize the use of the existing SR-76 right-of-way, which closely borders the river's riparian corridor in much of the alignment, and partly due to the substantial number of streams and drainages to be crossed on the northern side of the river.

However, also as shown in Table 2, the Southern Alignment Alternative would have considerably greater indirect impacts on waters of the U.S. (more than double the acreage), and would cross the San Luis Rey River twice. Crossing the river twice would create additional barriers to wildlife movement in the river riparian corridor that do not currently exist. New river crossings would also result in vegetative changes in the riparian corridor to the south of the river crossing, including shading impacts to riparian habitat from the new bridges, and additional noise, light, and glare to the riparian corridor, all of which decrease overall ecosystem stability. As stated previously, indirect impacts would be incurred through increased noise, edge effects, habitat fragmentation, loss of access to habitat, increased predation, potential introduction of invasive plant and animal species, erosion, degradation of water quality, increased urbanization, and human intrusion. Moreover, it is expected new construction would have indirect impacts on downstream channel stability through

changes in the rate and volume of runoff, the sediment load, due to changes in the land surfaces, and other hydraulic changes from stream and/or creek encroachments, crossings, or realignment. The Southern Alignment Alternative would also affect an area of greater biological function/integrity in which there is currently little development and no major roads paralleling the river (i.e., along the south side of the river).

When adding the indirect and direct permanent impacts to waters of the U.S., the Existing Alignment Alternative would result in fewer total impacts to Corps jurisdictional areas than the Southern Alignment Alternative (approximately 17.21 acres versus 25.52 acres). In primarily following the existing SR-76 roadway, the Existing Alignment also would minimize non-biological environmental impacts, by avoiding construction of a four-lane highway in areas north or south of the existing SR-76 where no major transportation corridor currently exists, and by reducing the taking of private property to the extent practicable. However, in addition to the Southern Alignment having a greater level of indirect environmental impacts overall, the estimated cost of construction for the Southern Alignment Alternative ranges from \$319 to \$322 million, making it approximately 50% more expensive than the Existing Alignment Alternative, which would be considered impracticable to construct in light of the additional cost.

Description of No Build Alternative- Under the No Build Alternative, no new SR-76 facilities would be constructed and the existing SR-76 would continue to serve as the principal access between South Mission Road and the I-15. This alternative would not propose any changes in the existing right-of-way, street geometry, number of lanes, or configuration of existing intersections. Periodic maintenance would be expected to occur to maintain functionality of the roadway. Although the No Build Alternative would not result in permanent or temporary impacts to waters of the U.S., it also would not satisfy the overall project purpose.

Description of Wetland/Waters Avoidance Alternative(s)- Two Wetlands/Waters Avoidance Alternatives (Northern Wetlands Avoidance Alternative and Southern Wetlands Avoidance Alternative) were evaluated with the objective of avoiding all, or as much as practicable, impacts to jurisdictional waters, including wetlands. Both these alternatives would have substantial impacts to the social and natural environments (i.e., other significant environmental consequences) that would be avoided by the Existing Alignment Alternative and the Southern Alignment Alternative. Also, both would have considerable engineering and construction challenges and would add substantially to the cost of construction relative to the Existing Alignment Alternative (an additional \$150-\$360 million, which would be impracticable to construct in terms of costs). While both these alternatives would avoid the San Luis Rey River wetlands, both would impact wetlands associated with other drainages (including Live Oak Creek north of the river) that flow generally north-south and are tributaries of the San Luis Rey River, so that complete avoidance of impacts to wetlands is not possible (only the No Build Alternative would avoid all waters of the U.S., and as noted, it would not meet the overall project purpose).

Northern Wetlands Avoidance Alternative- This Alternative would require an alignment farther north than the current SR-76 roadway from South Mission Road to Star Track Way, passing through more rugged terrain in two segments to avoid wetlands in the San Luis Rey River corridor. The northern Wetlands Avoidance route would require relocations of local road intersections and possible realignment of local road segments. The current SR-76 roadway would be retained and relinquished to San Diego County (County) as a frontage road and for local access. Additional wetland encroachment would be required if the relinquished roadway needed improvement to meet current County standards.

Southern Wetlands Avoidance Alternative- This Alternative would require three bridges across the San Luis Rey River. Two bridges would be in approximately the same locations as those for the Southern Alignment Alternative, but would have to be longer so that abutments or supporting columns are not sited in the wetlands. The western (downstream) bridge would have to be extended approximately 3,200 feet and the eastern (upstream) bridge would have to be extended approximately 500 feet. A third, separate bridge would need to be constructed adjacent to the western bridge to connect existing SR-76 to the new SR-76 alignment, since the new alignment would be higher than the existing roadway. All three bridges would require methods of design and construction that would avoid placing any elements of the bridges or the falsework used to construct them in the wetlands.

Both the northern Wetlands Avoidance Alternative and the southern Wetlands Avoidance Alternative would require relocating the intersection with South Mission Road. That intersection was designed as part of the SR-76 Melrose Drive to South Mission Road project and is currently under construction. While the northern Wetlands Avoidance alternative would avoid direct impacts to the San Luis Rey River, this alternative would result in impacts to waters and wetlands associated with drainages and tributaries to the San Luis Rey River. In sum, both of the wetlands avoidance alternatives would increase the project footprint, greatly impacting the community and social environment, and add an estimated \$150 to \$360 million to the project cost, which is considered impracticable to construct in terms of cost. In consideration of these factors, neither of these alternatives was preliminarily identified as the LEDPA.

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:

Avoidance: Of the two build alternatives co-equally evaluated, Caltrans has proposed to construct the alignment that would result in fewer impacts on “overall” resources. These resources include community character and the rural landscape (primarily the areas south of the river). In addition, the proposed/existing alignment would result in fewer overall impacts to waters of the U.S., considering indirect impacts and permanent direct impacts (17.21 acres versus 25.52 acres).

Minimization: In addition to alignment alternatives, Caltrans has also considered multiple design iterations of the Existing Alignment Alternative in order to minimize adverse effects to aquatic resources to the maximum extent practicable while considering other sensitive areas. Iterations included minor shifts to further minimize impacts to sensitive resources such as the San Luis Rey River 100-year floodplain and its hydrologic regime, and biological resources such as sensitive habitat and species in the vicinity of the project. In addition, steeper cut-slopes were included to reduce the amount of impacts. Moreover, all graded slopes would be re-vegetated with appropriate native plant mix. Also, temporarily disturbed areas of waters of the U.S., would be re-vegetated with native riparian species and subject to non-native plant eradication activity upon completion of construction.

Compensation: In order to compensate for unavoidable impacts to waters of the U.S., Caltrans has proposed compensation at a ratio of 3:1 for permanent impacts, through a combination of establishment, re-establishment, and enhancement of aquatic habitats at two Caltrans-owned properties: the Tabata and Vessels Mitigation Sites (figure 10). Temporary impacts to vegetation would be addressed at a 1:1 ratio with on-site re-establishment of the same habitat type. Indirect

impacts would be compensated at a 1:1 ratio, with off-site (Tabata and Vessels Mitigation Sites) re-establishment of the same habitat type.

For additional details regarding the proposed mitigation sequence, please see the preliminary/draft section 404 alternatives analysis in Appendix F of 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 of best management practices and mitigation of impacts.

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

P.O. Box 532711

Los Angeles, California 90053-2325

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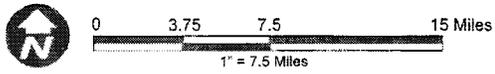
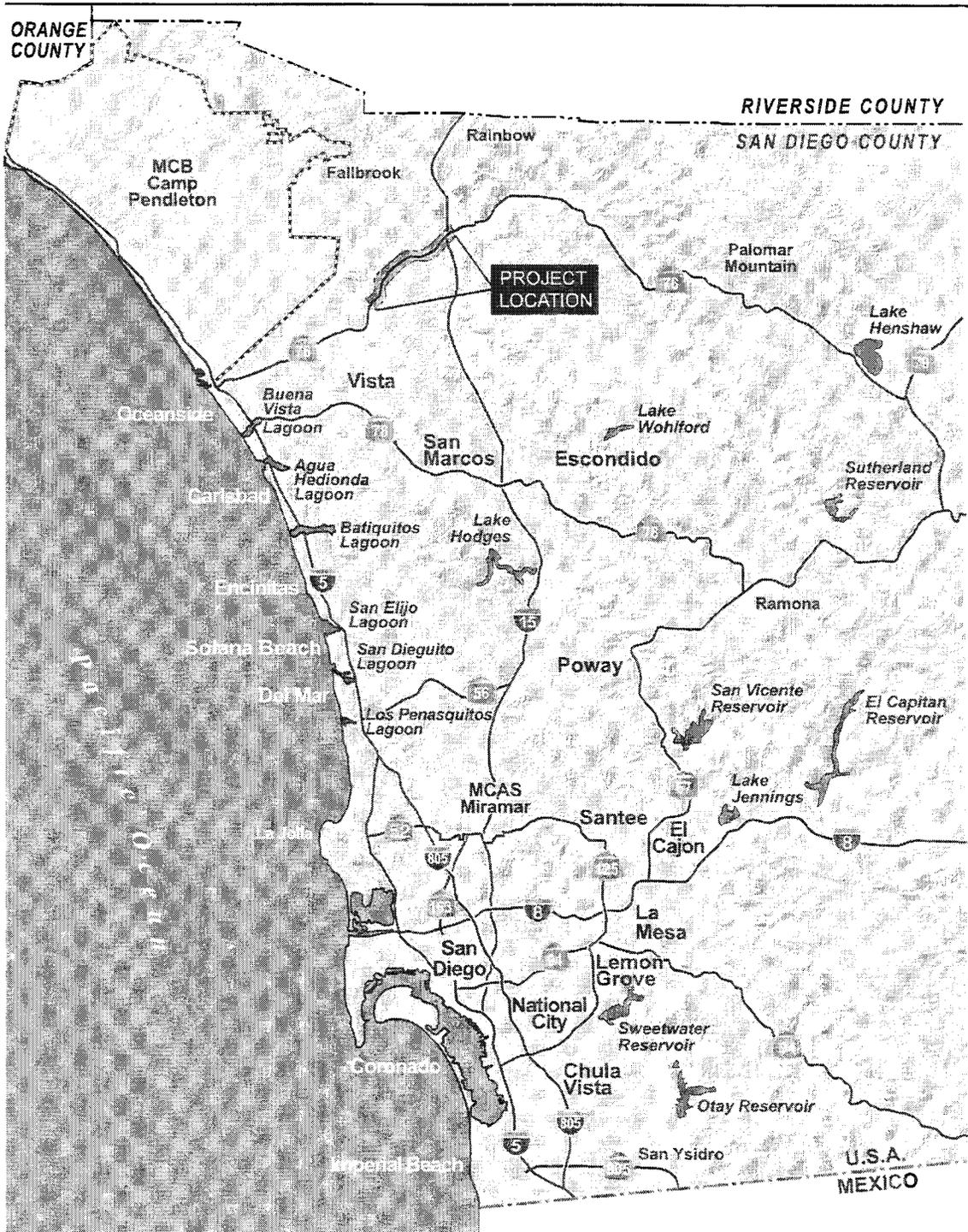
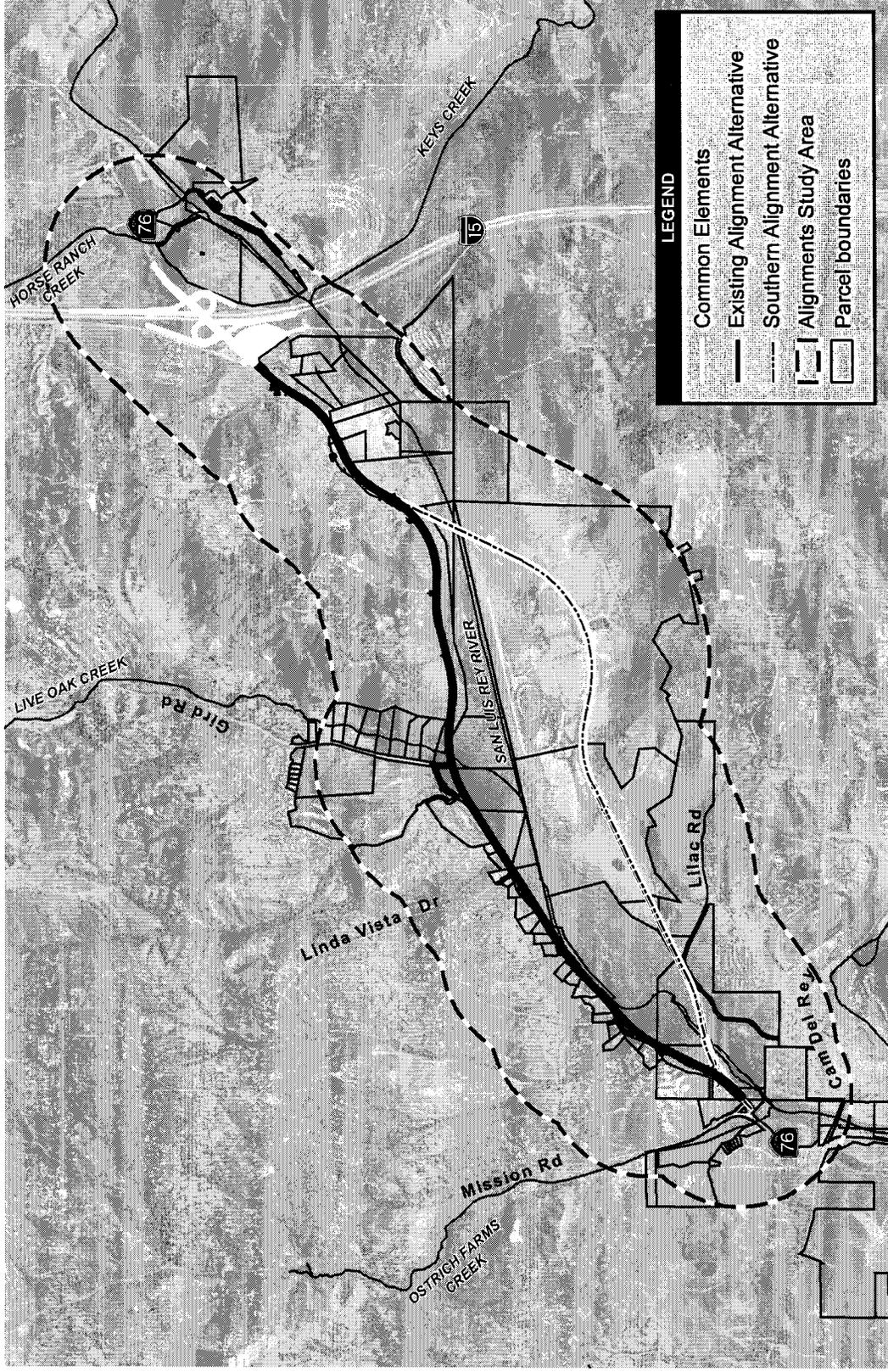


Figure 1
Regional Map



Source: DigitalGlobe 2008; SANGIS 2009; Dokken Engineering 2010

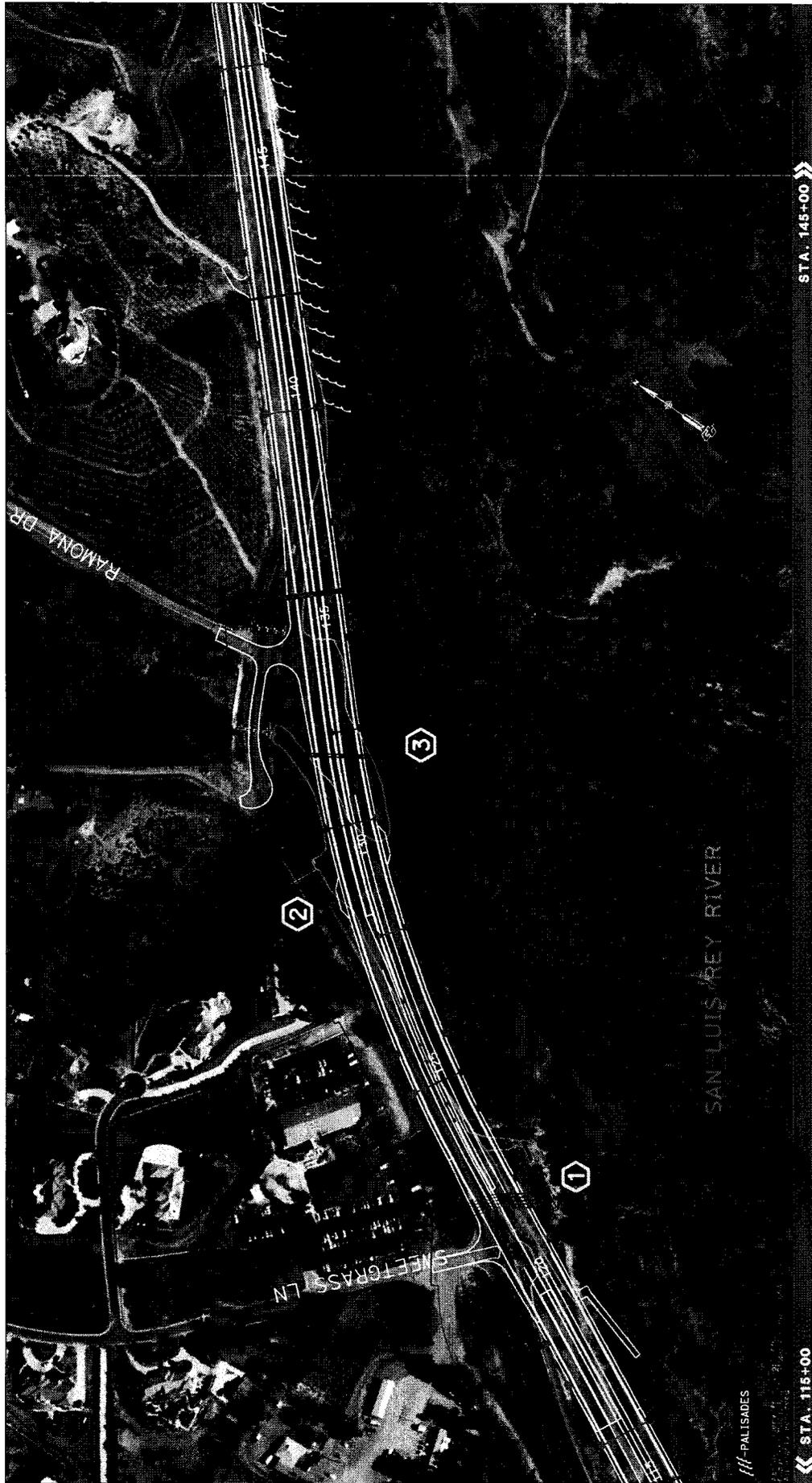


Figure 2

Project Location Map

SR-76 South Mission Road to Interstate 15 – Highway Improvement Project

Path: P:\3008\08080105 SR76 East S.Mission I-15 PA-ED\SANGIS\MXD\Black_white_2011\fig 1_01_3_Build_Alignment_Alternatives-L.mxd, 8/25/2011, angellop



STA. 145+00

STA. 115+00



STATE ROUTE 76 EAST

Figure 3

Revised: 03-14-13

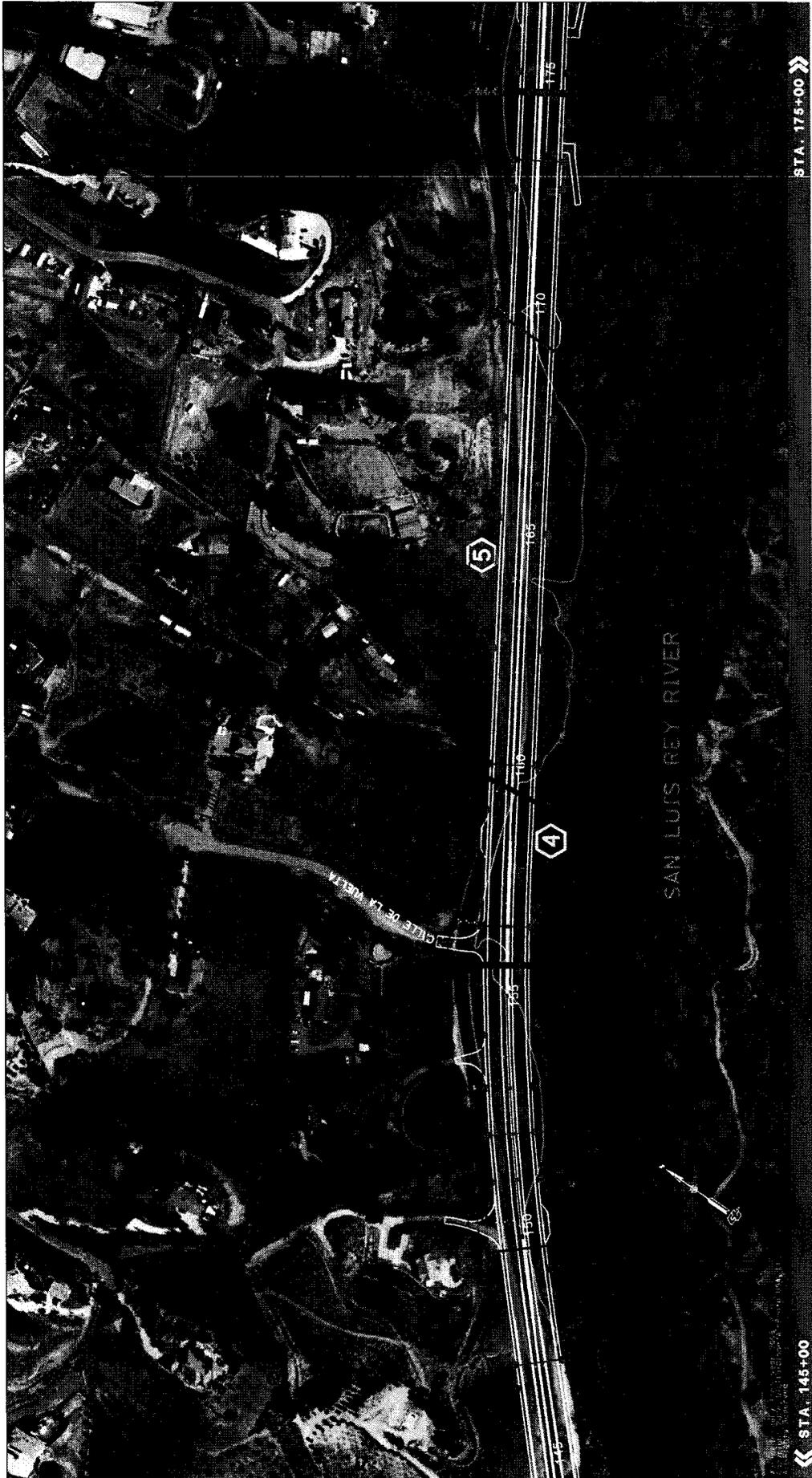
LEGEND:

	PROPOSED TRAVELED WAY
	REMOVE EXIST SR-76
	EXIST SR-76
	PROPOSED BRIDGE
	EXISTING BRIDGE

LEGEND:

	EXISTING RIGHT-OF-WAY
	PROPOSED RIGHT-OF-WAY
	PROPOSED GRADING LIMITS (V/O)
	PANEL BOUNDARY
	WELD LIFE FENCE
	PROPOSED TRAVELED WAY
	PROPOSED EDGE OF SHOULDER
	PROPOSED MEDIAN BARRIER
	PROPOSED SHOULDER BARRIER
	PROPOSED SHADING CONTOUR





STA. 175+00

STA. 145+00

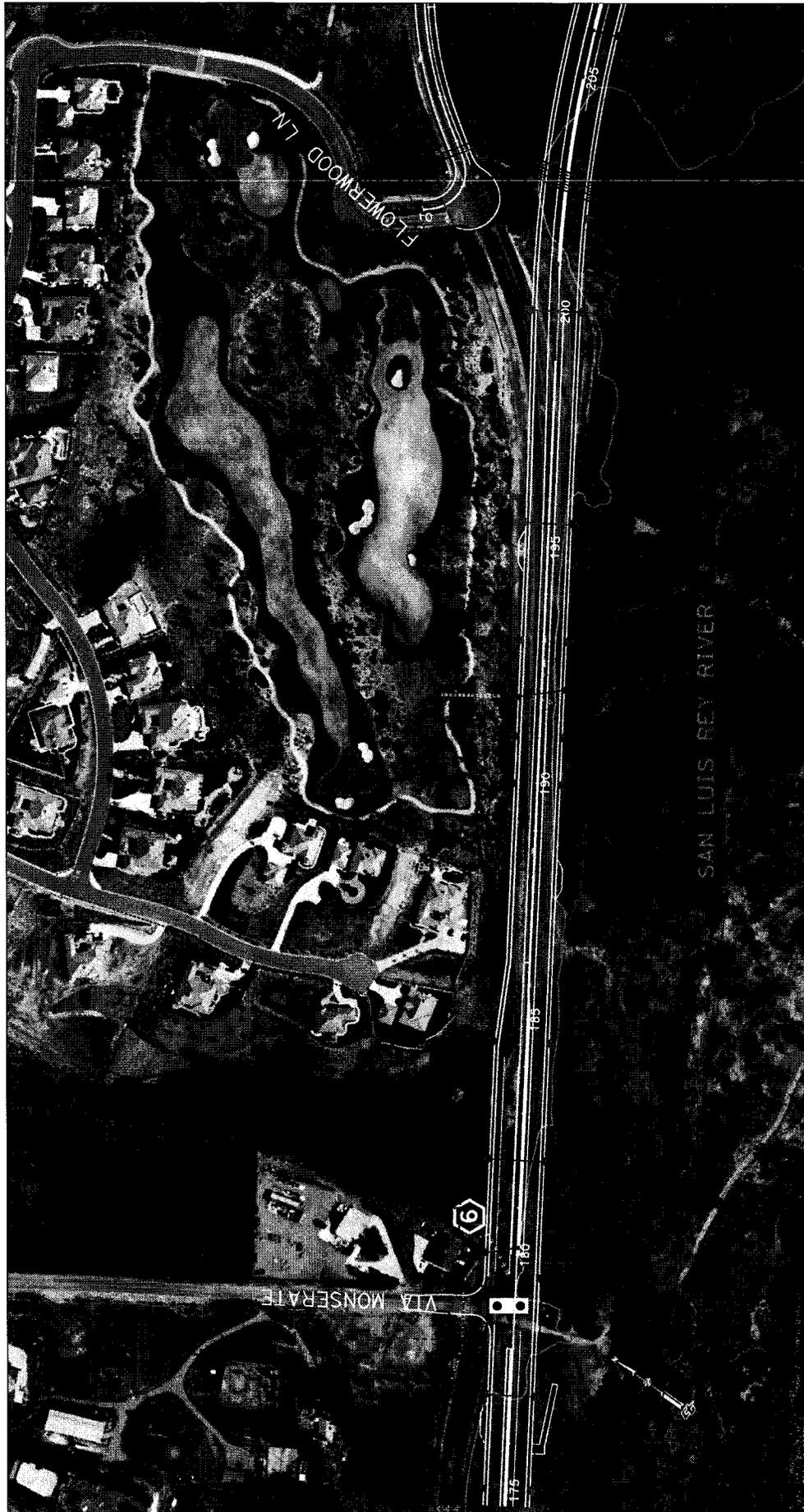


STATE ROUTE 76 EAST
Figure 4

Revised: 03.14.13

- LEGEND:**
- EXISTING RIGHT-OF-WAY
 - PROPOSED RIGHT-OF-WAY
 - 100-YEAR FLOODPLAIN
 - PROPOSED GRADING LIMITS (F/R)
 - WILD LIFE FENCE
 - PROPOSED TRAVELED WAY
 - PROPOSED EDGE OF SHOULDER
 - PROPOSED LANE STRIPE
 - PROPOSED MEDIAN BARRIER
 - PROPOSED GRADING CONTOUR
- PROPOSED TRAVELED WAY
 - REMOVE EXIST SR-76
 - EXIST SR-76
 - PROPOSED BRIDGE
 - EXISTING BRIDGE





STA. 175+00

STA. 205+00

LEGEND:

- EXISTING RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- 100-YEAR FLOODPLAIN
- PARCEL BOUNDARY
- WILD LIFE FENCE
- WILD LIFE FENCE LIMITS (5/0)
- PROPOSED TRAVELED WAY
- PROPOSED EDGE OF SHOULDER
- PROPOSED LANE STRIPE
- PROPOSED MEDIUM SHADER
- PROPOSED SPARING CONTOUR

- PROPOSED TRAVELED WAY
- REMOVE EXIST SR-76
- EXIST SR-76
- PROPOSED BRIDGE
- EXISTING BRIDGE



STATE ROUTE 76 EAST



Figure 5



← STA. 230+00

STA. 260+00 →

SANDAG

Caltrans



LEGEND:

- EXISTING RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- 100-YEAR FLOODPLAIN
- PARCEL BOUNDARY
- PROPOSED GRADING LIMITS (P/L)
- PROPOSED TRAVELED WAY
- PROPOSED EDGE OF SHOULDER
- PROPOSED LAKE STRIPS
- PROPOSED MEDIAN BARRIER
- PROPOSED GRADING CORNERS

- PROPOSED TRAVELED WAY
- REMOVE EXIST SR-76
- EXIST SR-76
- PROPOSED BRIDGE
- EXISTING BRIDGE



STATE ROUTE 76 EAST

Figure 7



Revised: 03-14-13

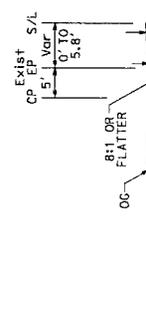
DIS#	COUNTY	ROUTE	POST MILE	TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
11	SD	15, 76	R46.2/R46.9	R12.1/R17.1	9	17

DESIGN DESIGNATION (ROUTE 76)

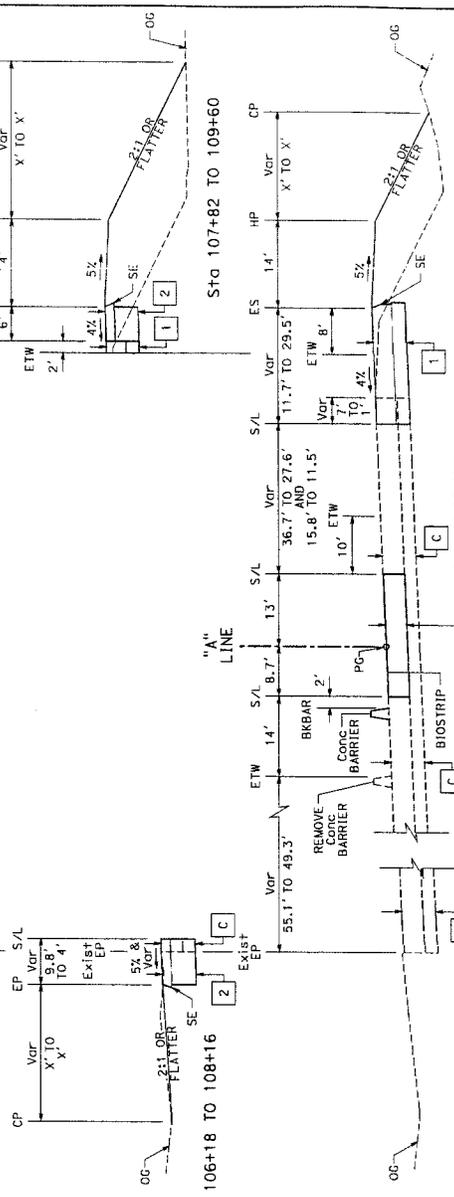
2011 ADT = 28,000 D = 55%
 2030 ADT = 43,000 T = 7%
 DIV = 1,770 V = 65 mph

ABBREVIATIONS:

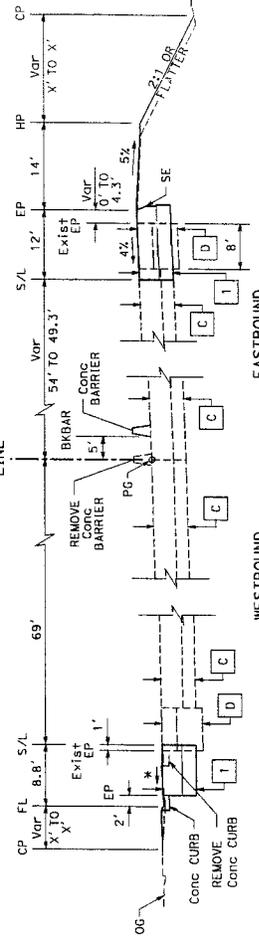
- S/L SAWCUT LINE
- LL LANE LINE
- BKBAR BACK OF BARRIER
- SE SAFETY EDGE
- HMA-A HOT MIX ASPHALT (TYPE A)



Sta 108+16 TO 109+60



Sta 105+00 TO 109+60



Sta 98+21 TO 99+96 WESTBOUND
 Sta 101+51 TO 105+00 EASTBOUND

- NOTES:**
- DIMENSIONS OF THE PAVEMENT STRUCTURES (STRUCTURAL SECTIONS) ARE SUBJECT TO TOLERANCES SPECIFIED IN THE STANDARD SPECIFICATIONS.
 - SUPERELEVATIONS ARE SHOWN ON THE SUPERELEVATION DIAGRAMS.
 - EXISTING EDGE DRAINS TO BE REMOVED AND PAID FOR AS ROADWAY EXCAVATION.
 - FOR SLOPE ROUNDING AND STEPPED SLOPE SEE CONSTRUCTION DETAILS SHEETS.
 - EXACT LOCATIONS AND TYPES OF HMA DIKE, CONC CURB, CONC (DITCH LINING), CONC BARRIER, AND FENCING ARE SHOWN ON THE LAYOUTS AND SUMMARY OF QUANTITIES SHEETS.
 - EXACT LOCATIONS AND TYPES OF MBGR ARE SHOWN ON THE LAYOUTS AND SUMMARY OF QUANTITIES SHEETS.
 - FOR SAWCUT DIMENSIONS AND GEOSYNTHETIC PAVEMENT INTERLAYER DETAILS, SEE LAYOUT AND CONSTRUCTION DETAIL SHEETS.
 - FOG SEAL COAT SHALL BE APPLIED TO ALL HMA AND AC SURFACES EXCEPT TRAVELED WAYS AND TEMP PAVEMENTS. SEE SUMMARY OF QUANTITIES FOR LOCATIONS.
 - FOR DITCH FLOW LINE, SEE LAYOUTS AND DRAINAGE PLANS.
 - FOR BIOSWALE, SEE DRAINAGE DETAILS.

TYPICAL PAVEMENT STRUCTURAL SECTIONS	
1	Rte 76 TRAVELED WAY 0.85' HMA-A 0.60' C12-AB
2	Rte 76 SHOULDER 0.40' HMA-A 1.05' C12-AB
3	HMA-A OVERLAY 0.17' HMA-A
4	CROSS STREET SECTION 0.75' HMA-A 0.60' C12-AB
5	PAVED DRIVEWAY SECTION 0.30' HMA-A 1.00' C12-AB
6	DETOUR SECTION 0.55' HMA-A 0.30' C12-AB
7	UNPAVED DRIVEWAY SECTION 1.30' C12-AB

EXISTING TYPICAL STRUCTURAL SECTIONS	
A	0.60' AC (TYPE B) 0.90' ACB 1.00' C13-AS
B	0.65' HMA-A 1.55' C12-AB
C	0.90' HMA-A 0.55' C14-AS
D	0.65' HMA-A 1.10' C14-AS
E	0.35' AC 0.30' AB 1.00' AS

X MATCH EXIST SLOPE

TYPICAL CROSS SECTIONS

NO SCALE

Figure 8

PROJECT NUMBER & PHASE UNIT 2765

11000204B91

RELATIVE BORDER SCALE IS IN INCHES

USERNAME => x17584
 DON FILE => 11000204B91.dgn

DATE PLOTTED => 23-JUN-2013
 TIME PLOTTED => 10:23

Figure 2. Location of Vessels Mitigation Site in Relation to SR-76 S. Mission to I-15 Project

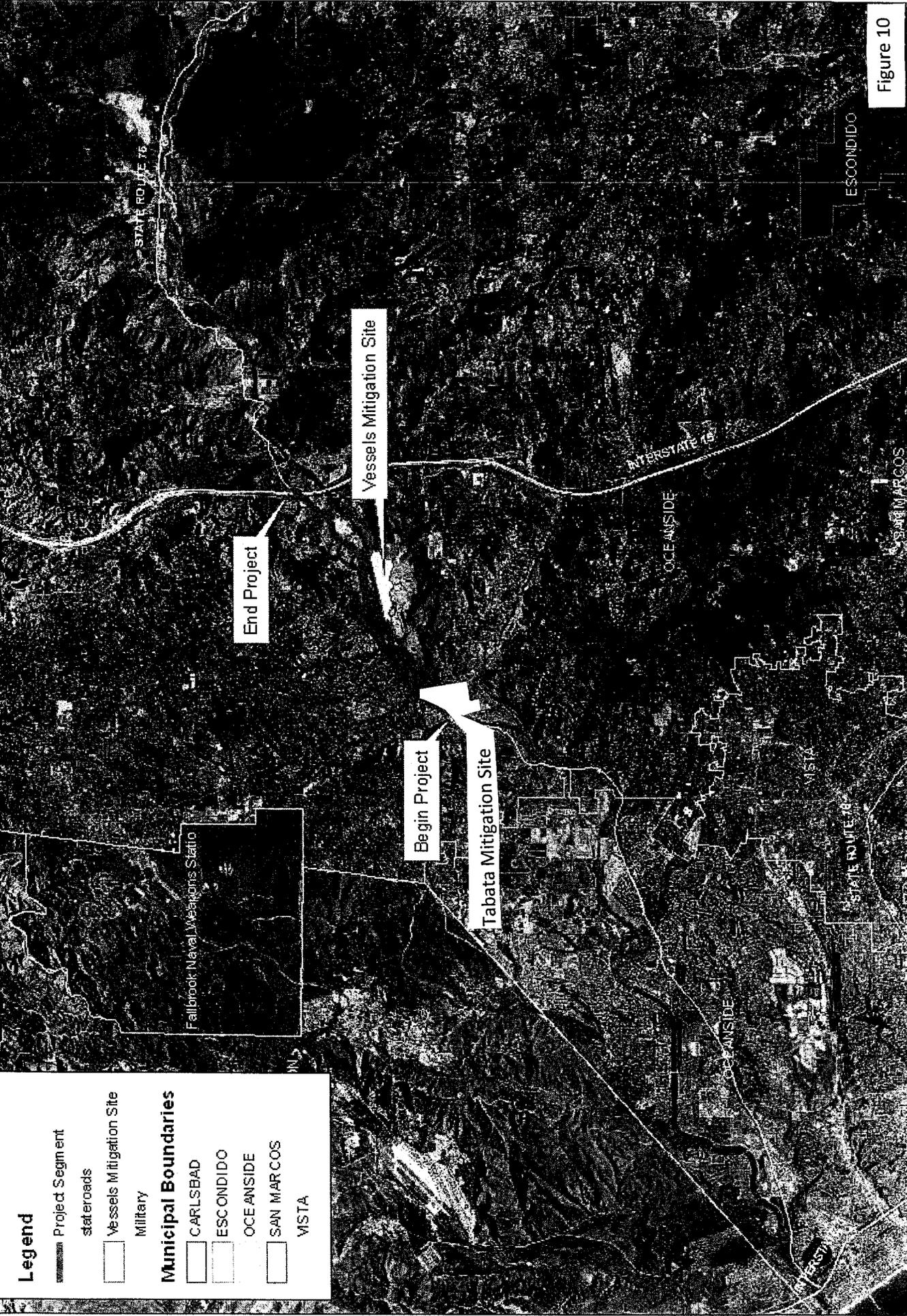


Figure 10

1:130,000