UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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San Francisco, CA 94105

March 28, 2016

Meris Guerrero
U.S. Army Corps of Engineers
Los Angeles District
Regulatory Division, Carlsbad Field Office
5900 La Place Court, Suite 100
Carlsbad, California 92008

Subject: Final Environmental Impact Statement/Environmental Impact Report (EIS) for the San Elijo Lagoon Restoration Project, San Diego County, California [CEQ # 20160042]

Dear Ms. Guerrero:

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's (CEQ) NEPA Implementation Regulations at 40 CFR 1500-1508, and our NEPA review authority under Section 309 of the Clean Air Act.

EPA submitted comments on the Draft Environmental Impact Statement (DEIS) on October 10, 2014. We rated the DEIS as Environmental Concerns – Insufficient Information (EC-2), primarily due to a lack of specific information regarding sediment dredging and disposal/reuse commitments, air quality impacts, and adaptive management and mitigation measures. The Final Environmental Impact Statement (FEIS) provides some helpful clarifications regarding these subjects. EPA remains supportive of the proposed project and has no objections to the Corps' preferred alternative (1B-Refined). Based on our review of the FEIS, we recommend that the matters discussed below be addressed in the Record of Decision.

Sediment Dredging and Disposal/Reuse

The FEIS proposes a range of strategies for reuse and/or disposal of dredged sediments, including onshore beach placement, nearshore placement, temporary offshore stockpiling, and possible offshore disposal. EPA continues to support onshore placement where practicable, acknowledging that specific placement volumes will be determined during permitting. In terms of median sediment grain size, the proposed sediments appear to be compatible with the identified beach receiver sites, including: Cardiff, Leucadia, Moonlight, Solana, and Torrey Pines.

Grain size incompatibility may restrict temporary offshore stockpiling at this time. EPA finds that the sandy sediments expected to be dredged from the over-dredge pit may be too fine (highest D50 value at 0.22 mm) in comparison to the existing median grain size of the offshore borrow pits (SO-5, D50=0.59 mm; SO-6, D50=0.35 mm). The placement of finer grain sediments at those sites could alter the habitat seabed and change the existing benthic community and associated pelagic community.

Based on the approximate dredging volumes of Alternative 1B – Refined, the known capacities at placement sites, and the monitoring and mitigation measures already proposed, EPA believes that scheduling placement of all materials for onshore placement is feasible for this project. We recommend that the Corps include, in the Record of Decision (ROD), a commitment to prioritize beneficial reuse by onshore placement, to the extent practicable and compatible with destination beaches.

Care should be taken to ensure that contaminated sediments are adequately sequestered on-site. In particular, PCB-contaminated sediments in Central Basin (Composite D-Upper: PCBs > 264 ppb) and East Basin (Composite North-Upper: PCBs > 39 ppb; Composite South-Lower: PCBs > 92 ppb) exceed the National Oceanic and Atmospheric Administration's Effects Range-Low (ER-L) screening levels for toxicity to water column- and benthic-dwelling organisms. Without further testing, these sediments must be sequestered in the bottom of the proposed over-dredge pit and capped with suitable sediments.

Please note that the original sediment testing was conducted in 2011, and sediment characterizations may be outdated. It is important to confirm that site conditions have not changed since the original sediment characterizations were conducted. At a minimum, EPA recommends that site elevations and channel bathymetry be compared to past conditions. Depending on the results of the comparison, confirmatory sediment grain size and chemistry sampling and analysis may be required by the Corps or EPA to confirm that the character of the sediments has not changed significantly, in accordance with the 1998 "Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. – Testing Manual (Inland Testing Manual)."

Adaptive Management and Mitigation Measures

Aside from avoidance measures identified as project design features (PDFs), specific commitments in the "comprehensive monitoring, maintenance, and adaptive management plan" remain vague. We encourage continued coordination with stakeholders and regulatory agencies, including U.S. Fish and Wildlife Service and National Marine Fisheries Service, to define the specific management objectives that will guide the restoration while avoiding damage to existing special status species' habitat. For the long-term management of the site, we offer the NEPA Task Force's 2003 "Modernizing NEPA Implementation: The NEPA Task Force Report to the Council on Environmental Quality" as a reference for identifying elements of a successful adaptive management plan. The report is available at: http://ceq.hss.doe.gov/ntf/report/finalreport.pdf. We recommend that the ROD include specific monitoring, mitigation, and adaptive management commitments for the medium- and long-term restoration of the lagoon and clearly identify the parties responsible for carrying out those commitments.

We appreciate the additional information that was provided in the FEIS in response to EPA's DEIS comments regarding the potential use of herbicides for invasive plant control during the restoration. Removal by hand or with hand tools was identified as the primary strategy by the Corps and proponent. EPA supports this approach. If herbicide application is deemed necessary, we recommend evaluating whether such application would be adequately covered by California's "Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications" and whether reporting would be required. This permit is available at:
http://www.swrcb.ca.gov/board_decisions/adopted_orders/water_quality/2013/wqo2013_0002dwq.pdf.

EPA appreciates the coordination with the Corps and project proponent that has occurred, to date, on this project, and we look forward to continued coordination for materials placement permitting. When the Record of Decision is signed, please send one copy to the address above (mail code ENF-4-2). If you

have any questions, please contact me at 415-972-3521, or contact Hugo Hoffman, the lead reviewer for this FEIS. Hugo can be reached at 415-972-3929 or hoffman.hugo@epa.gov.

Sincerely,

Kathleen Martyn Goforth, Manager
Environmental Review Section

cc: Lorrie Bradley, County of San Diego Department of Parks and Recreation
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