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

OCT 10 2014

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

Subject: Draft Environmental Impact Statement/Environmental Impact Report (EIS) for the San Elijo Lagoon Restoration Project, San Diego County, California [CEQ #20140209]

Dear Ms. Bantilan-Smith:

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.

We have rated this Draft EIS as EC-2 – Environmental Concerns - Insufficient Information (see enclosed "Summary of Rating Definitions and Follow-Up Action"). EPA supports the restoration of San Elijo Lagoon, and we will continue to coordinate with the Corps, as well as with the U.S. Fish and Wildlife Service and National Marine Fisheries Service, on dredging and disposal/reuse planning for this project. We commend the project's recognition of, and design in response to, anticipated future sea level rise induced by climate change. This approach promotes the long-term efficiency, efficacy, and relevance of the project. We believe, however, that additional measures to improve the project exist, and recommend that the Final EIS provide additional information to clarify uncertainties raised in the Draft EIS, including sediment dredging and disposal/reuse commitments, air quality impacts, and adaptive management and mitigation measures. Our detailed comments are enclosed.

We appreciate the opportunity to review this Draft EIS. Please send a copy of the Final EIS to this office (mailcode ENF-4-2) when it is officially filed with EPA's *e-NEPA*. If you have questions, please call me at (415) 972-3521 or contact Jeanne Geselbracht at 415-972-3853.

Sincerely,

Kathleen Martyn Goforth, Manager
Environmental Review Section

Enclosures: EPA's Summary of Rating Definitions
EPA's Detailed Comments

cc: Megan Hamilton, County of San Diego Department of Parks and Recreation
Robert Hoffman, National Marine Fisheries Service
Scott Sobiech, U.S. Fish and Wildlife Service

US EPA DETAILED COMMENTS ON THE SAN ELIJO LAGOON RESTORATION PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT 10 OCTOBER, 2014

Sediment Dredging and Disposal/Reuse

The Draft EIS indicates that existing reuse sites in the project area have more capacity for sand than the project would generate. We believe that discharging dredged clean sand directly to the reuse areas would be more efficient and cost effective and less environmentally disruptive than stockpiling it offshore at SO-5 or SO-6 for future use.

> **Recommendation:** We recommend that all clean sand dredged for the project be directly reused for beach nourishment or other habitat or construction components of the overall restoration project, and that sand be placed in the offshore stockpile areas only if practicable reuse opportunities are unavailable at the time of construction. Include a specific commitment to this in the Final EIS.

> **Recommendation:** In addition to the volumes proposed to be placed at each site, Table 2-20 (or a new table) should list the capacities associated with each placement site.

Similar to Alternative 2A, Alternative 1B would include the pre-filling of an offshore ebb bar at the Cardiff site. Unlike Alternative 2A, however, Alternative 1B would not involve relocating the lagoon inlet. The discussion in the Draft EIS (pp. 3.3-11 and 3.3-12) does not justify the need for pre-filling this ebb bar under Alternative 1B; therefore, the reason for constructing it in this location is unclear.

> **Recommendation:** Describe, in the Final EIS, the effects -- including costs and benefits -- of pre-filling an offshore ebb bar at the Cardiff site for Alternative 1B. If this ebb bar is deleted from Alternative 1B, the volumes of dredged sand to be discharged to the project's various nearshore and onshore sites should be recalculated and identified in the Final EIS, and the text and figures (e.g., Figures 2-11 and 2-11C) should be revised.

The Clean Water Act Section 404(b)(1) alternatives analysis for this project is not included in the Draft EIS, but will be helpful in determining the least environmentally damaging practicable alternative (LEDPA) and demonstrating project compliance with Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials ("Guidelines" at 40 CFR 230), promulgated pursuant to Section 404(b)(1) of the Clean Water Act. Page 29 of the Corps South Pacific Division (SPD) February 8, 2013 Regulatory Program Standard Operating Procedure for Preparing and Coordinating EISs (12509-SPD) states:

> Districts will make all reasonable efforts to ensure the NEPA alternatives analysis is thorough and robust enough to provide the information needed for the evaluation of alternatives under the section 404(b)(1) Guidelines and the public interest review. The goal of integrating the NEPA alternatives analysis and the CWA section 404(b)(1) alternatives analysis is to gain efficiencies, facilitate agency decision-making and avoid unnecessary duplication.

The practice of deferring, until later in the NEPA process, the disclosure of information needed for findings of compliance with the Guidelines makes it difficult for agencies and the public to provide timely and substantive input on the evaluation of alternatives, which could inform the Corps' decision-making process. Integrating the section 404(b)(1) alternatives analysis into the Draft EIS alternatives analysis would afford agencies and the public a more meaningful opportunity to evaluate impacts and provide relevant and timely feedback to inform these analyses and the Corps' decision.

Recommendation: Identify the LEDPA and include the Clean Water Act Section 404(b)(1) alternatives analysis in the Final EIS.

The Draft EIS acknowledges that all of the sediments proposed for beach or nearshore reuse or stockpiling must be determined suitable by EPA and the Corps prior to reuse or placement. The Draft EIS also acknowledges that additional sampling and testing would be needed, and suitability determinations must be made by EPA and the Corps, if any ocean disposal (i.e., at LA-5) is proposed.. Please note that these Draft EIS comments do not constitute EPA's suitability determination for aquatic placement or disposal of any material from this project. We look forward to coordinating with the Corps as the project progresses, and to providing final suitability determinations once a final alternative has been selected.

Monitoring, Mitigation, and Adaptive Management

The Draft EIS indicates that a construction monitoring plan for the pre-construction, construction, and post-construction phases would be developed when the Agency Preferred Alternative and the LEDPA are identified. It appears that a separate lagoon restoration plan specifying monitoring protocols, maintenance, and adaptive management measures would also be developed at that time. It is unclear why these plans would be separate, given that their time frames would overlap and construction monitoring data would inform trends, monitoring needs, and adaptive management options for the restoration phase. In addition, it is unclear why some monitoring elements in Table 2-26 of the Draft EIS would not be included in the post-construction phase (e.g., water quality and sensitive species). The elements to be monitored per Table 2-26 should all be monitored in the restoration phase; therefore, a comprehensive adaptive management plan (AMP) addressing monitoring, maintenance, and adaptive management for all project phases may be clearer and more efficient in its implementation.

Recommendation: In addition to identifying the Agency Preferred Alternative and LEDPA, we recommend that the Final EIS include a comprehensive AMP. The AMP should clearly articulate the project's management objectives and options for meeting these objectives. The objectives identified in the plan should be explicit and measurable, and the triggers, thresholds, and associated action commitments should be well defined. Identify any uncertainties in the San Elijo Lagoon hydrologic and ecological systems in order to develop appropriate monitoring to not only track anticipated responses to construction and maintenance, but also uncover unexpected results. The AMP should specify monitoring protocols and identify the sources of funding and the parties responsible for implementing and updating the plan.

The majority of the project design features (PDF) identified in Table 2-25 are to be implemented during construction; however, many of these would also be appropriate during maintenance operations. Such measures involve minimizing noise, air pollutant emissions, water pollutant discharges, hazardous material spills, impacts to wildlife and habitat, and ensuring public safety.

Recommendation: Apply appropriate PDFs in Table 2-25 to maintenance operations, in addition to project construction phases.

The Draft EIS (p. 2-122) indicates that non-native invasive plant species would be controlled by mechanical and chemical means, as appropriate. Nesting area management would also require weed control.

Recommendation: The Final EIS should identify the herbicides that could be used for the project, and the trigger(s) for, and potential impacts of, their use. Specify the precautions that would be taken to ensure against detrimental effects on non-targeted species, including special

status species. EPA recommends that herbicides be used only in the context of an integrated pest management program that prioritizes non-chemical and least toxic pest management methods.

Air Quality

The Draft EIS provides construction and operational emissions estimates in pounds per day and tons per year for purposes of comparing them with significance thresholds, including general conformity *de minimis* thresholds. Contaminant emissions have not been modeled, however, to show their estimated *concentrations* under each alternative in the project area.

Recommendation: Conduct dispersion modeling to determine air pollutant concentrations of criteria pollutants from direct, indirect, and cumulative emissions under each alternative for an accurate comparison with the National Ambient Air Quality Standards. This information should be included in the Final EIS.