

**Appendix A:  
Resources Evaluated Relative to the  
Requirements of Section 4(f) and *De Minimis*  
Determinations  
for the I-5 North Coast Corridor Project  
San Diego, California**

**October 2009  
Revised September 2013**



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## CHAPTER 1.0 – INTRODUCTION

The following discusses existing and planned properties adjacent to the proposed Interstate 5 North Coast Corridor Project (*I-5 NCC Project* or proposed project) that may warrant protection under Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966. The discussion is prepared in support of the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed project. Figure 1 shows the proposed project's regional location. Figures 2 and 3 show the locations of the potential 4(f) resources evaluated in this document.

Section 4(f) of the USDOT Act of 1966, codified in federal law as 49 U.S.C. 303, declares that “[it] is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

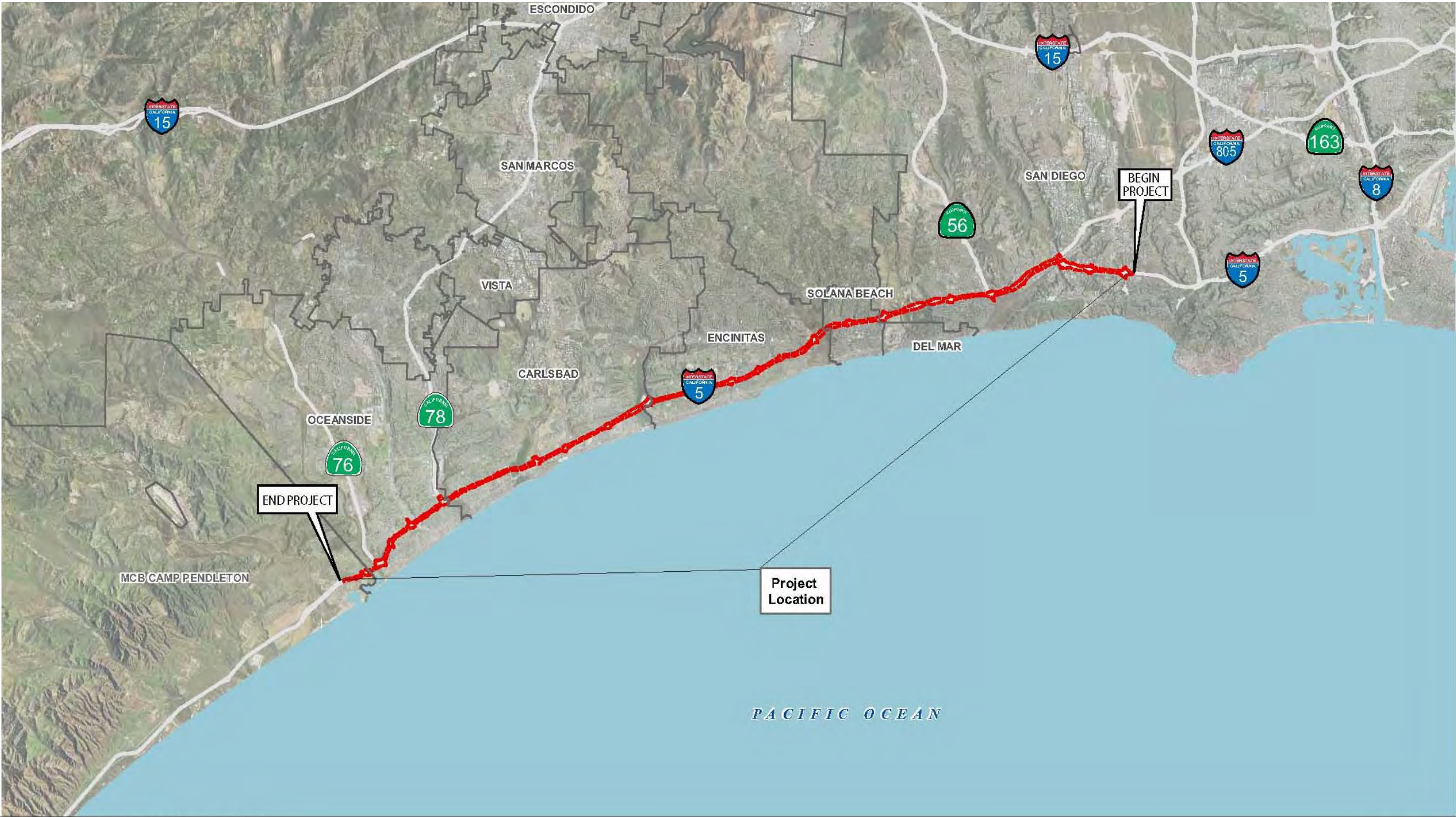
Section 4(f) specifies that “the Secretary [of Transportation] may approve a transportation program or project...requiring the use of any publicly owned land from a public park, recreation area, wildlife and waterfowl refuge of national, State or local significance, or land of an historic site of national, State, or local significance (as determined by the federal, State or local officials having jurisdiction over the park, area, refuge, or site) only if:

- There is no prudent and feasible alternative to using that land; and the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from such use; or
- Consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on a Section 4(f) property.

Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Department of Agriculture and the Department of Housing and Urban Development in developing transportation projects and programs that use lands protected by Section 4(f). If historic sites are involved, then coordination with the State Historic Preservation Officer (SHPO) is also needed.

This Appendix is organized into five chapters: Chapter 1 addresses regulatory language, Chapter 2 offers a brief project description of each build alternative, Chapter 3 identifies all potential Section 4(f) resources within a half-mile radius of the project and analyzes the resources afforded protection under Section 4(f) that are not directly used, Chapter 4 is a *de minimis* impact analysis for two parks and one historic resource, and Chapter 5 identifies references.

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Source: DigitalGlobe 2008, SanGIS 2008, MCB Camp Pendleton 2004

3 1.5 0 3 Miles

Scale: 1:190,080; 1 inch = 3 mile(s)

Figure 1: Regional Map

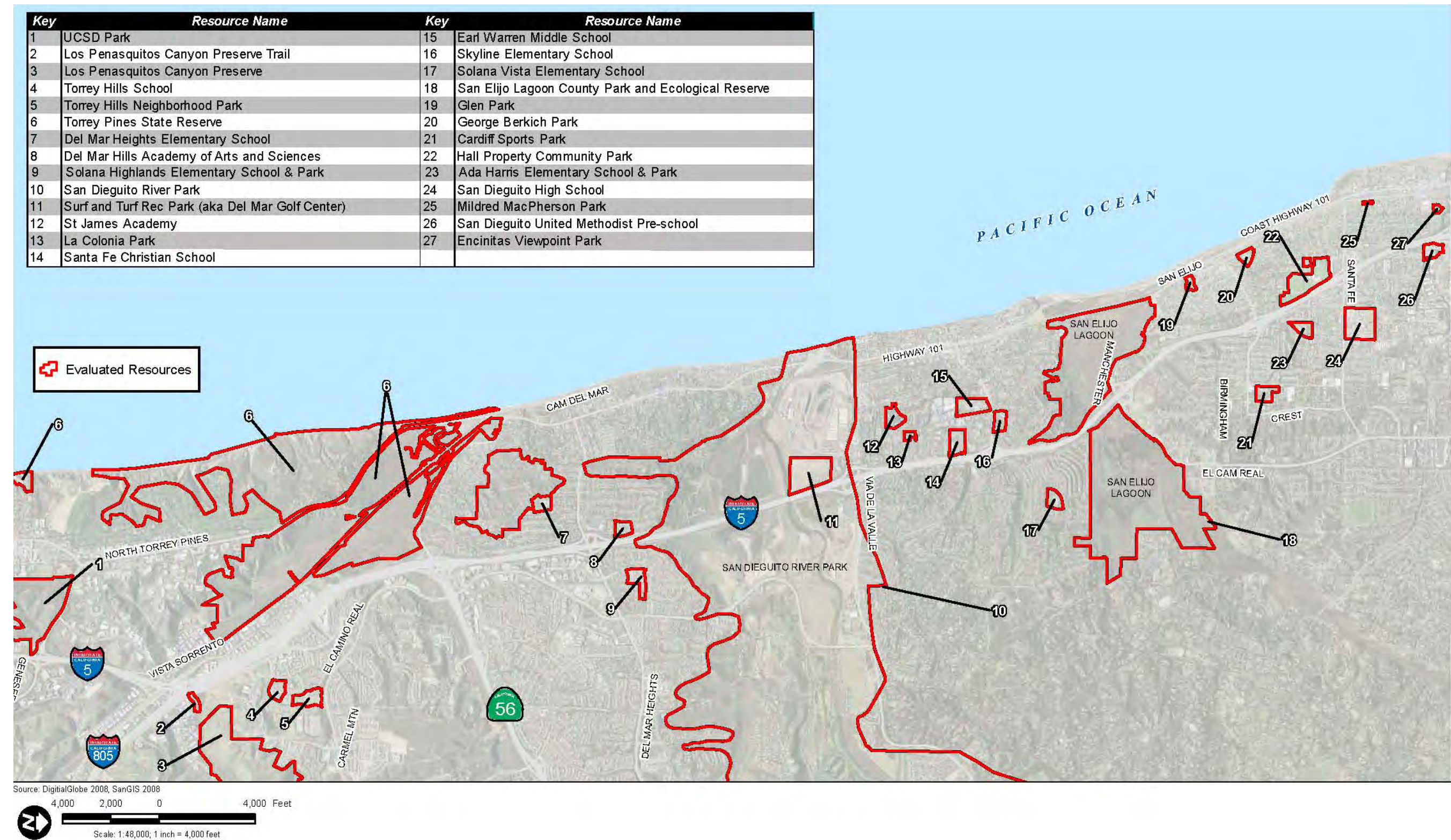


Figure 2: Section 4(f) Properties - I-5 North Coast Corridor – Southern Portion

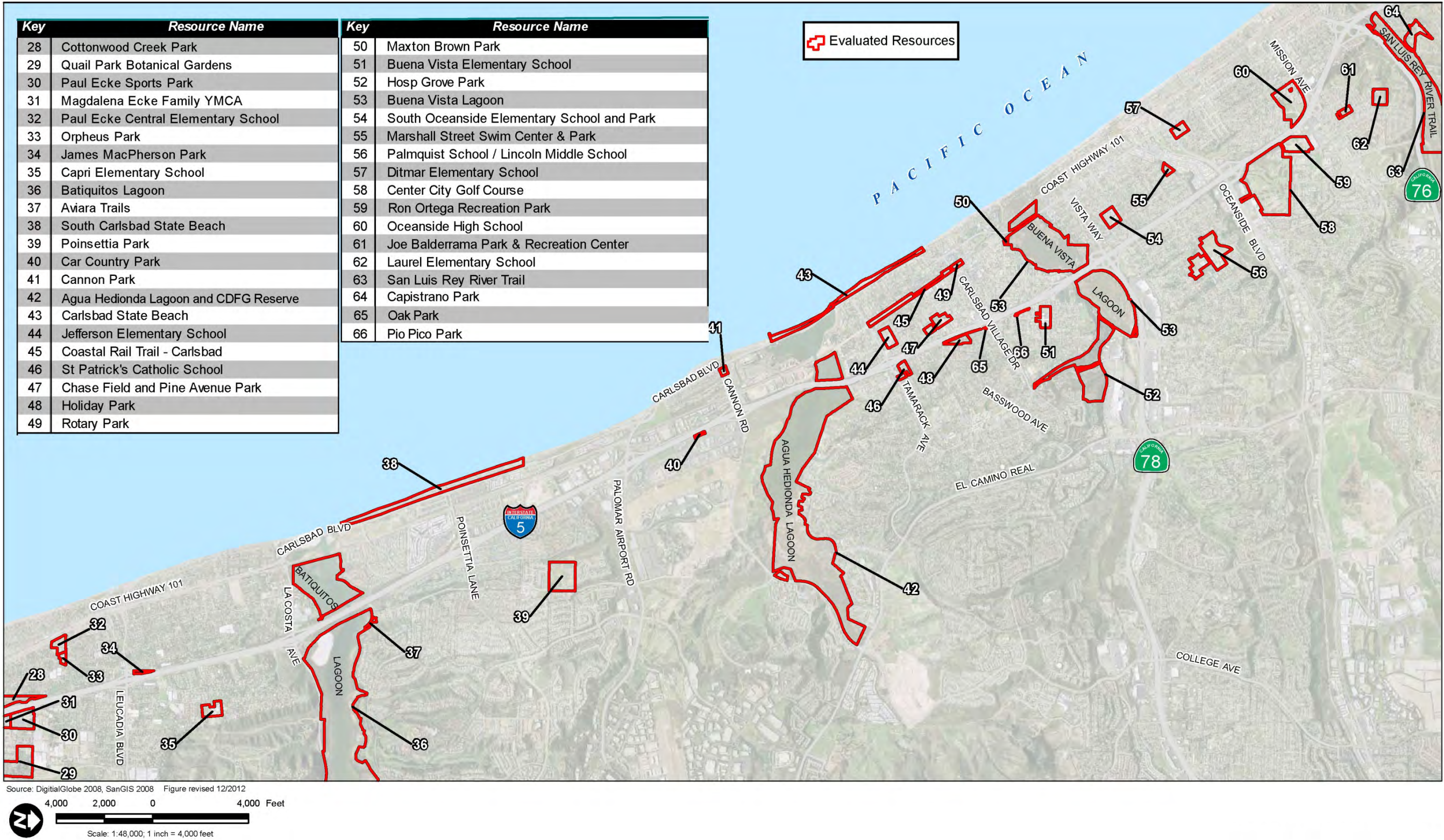


Figure 3: Section 4(f) Properties - I-5 North Coast Corridor – Northern Portion



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## CHAPTER 2.0 – PROJECT DESCRIPTION

Four build alternatives and one no-build alternative are under consideration for the *I-5 NCC Project* that meet the purpose and need. The main purpose is to maintain or improve the existing and future traffic operations in the I-5 North Coast Corridor in order to improve the safe and efficient regional movement of people and goods for the design year 2035. The need arises from the traffic demand of the corridor (See *Chapter 1, Proposed Project*). These alternatives are briefly described as follows. Please refer to *Chapter 2, Project Alternatives*, of the EIR/EIS for a detailed description of the project alternatives:

The circulation of the Draft EIR/EIS included the statement: “Per requirements of 49 U.S.C. 303: Section 4(f) of the Department of Transportation Act of 1966, as amended, the public is hereby informed of its intent to make a *de minimis* impact finding for eligible properties, as the project will not adversely affect the activities, features, or attributes qualifying the properties for Section 4(f) protection.

Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative, which has the smallest footprint of the build alternatives, was refined. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) in 2011 and was further analyzed in the August 2012 Supplemental Draft EIR/EIS. That document provided information about a number of topics for which information was not available prior to circulation of the Draft EIR/EIS, as well as clarification of project design based on continued engineering refinement since 2010.

After circulation of the Draft Supplemental EIR/EIS, project planning continued, including extensive coordination between resource agencies and FHWA and Caltrans regarding potential project impacts and appropriate project minimization and mitigation. The refined 8+4 Buffer alternative is now also identified as the Preferred Alternative, following completion of the Clean Water Act Section 404(b)(1) analysis to ensure that this alternative is in fact the Least Environmentally Damaging Practicable Alternative (LEDPA). The Preferred Alternative is also described in this Final EIR/EIS as the refined 8+4 Buffer alternative.

### Preferred Alternative

#### Refined 8+4 Buffer Alternative

- The refined 8+4 Buffer alternative would construct one High Occupancy Vehicle (HOV)/Managed Lane in each direction from La Jolla Village Drive to just north of Lomas Santa Fe Drive.
- To provide a continuous HOV lane through the I-5 / I-805 junction, a freeway-to-freeway connector (flyover) would be constructed, crossing over the I-5 / I-805 merge, to connect the proposed HOV/Managed Lanes beginning at Voigt Drive to the existing HOV lanes that begin just north of the I-5 / I-805 junction.
- Two HOV/Managed Lanes would be constructed in each direction from just north of Lomas Santa Fe Drive to Harbor Drive/Vandegrift Boulevard.
- From near La Jolla Village Drive to near Harbor Drive/Vandegrift Boulevard, painted stripes of variable widths (up to five feet) would serve as a buffer, separating HOV/Managed Lanes from general purpose lanes.

- Direct Access Ramps (DARs) would provide new freeway access for HOV/Managed Lanes users at Voigt Drive and Manchester Avenue from grade-separated interchanges into Managed Lanes, thereby allowing direct access to the HOV/Managed Lanes without weaving across general-purpose lanes. The DARs are compatible with carpools, bus transit, and value pricing and would support HOV/Managed Lanes. Both of these facilities have also been redesigned since circulation of the Draft EIR/EIS to minimize environmental impacts.
- One general purpose lane would be constructed in each direction on I-5 from just south of Del Mar Heights Road to State Route (SR)-78.
- Intermediate access points (IAPs) or at-grade access would be located near Carmel Mountain Road, Del Mar Heights Road-Via de la Valle, Lomas Santa Fe Drive, Santa Fe Drive, Poinsettia Lane, Tamarack Avenue, and Oceanside Boulevard; as well as access points at the ends of HOV/Managed Lanes at La Jolla Village Drive and Harbor Drive.
- Intelligent Transportation System (ITS) components, such as toll collection equipment would be provided to allow SOV users to purchase use of HOV/Managed Lanes (including overhead suspended scanner devices such as gantries, traffic monitoring stations, ramp meters, closed circuit television [CCTV] to view traffic on the facility and to help manage the traffic, changeable message signs [CMSs] to display the tolls, and loop detectors to measure traffic volume and speed).
- Twelve-foot-wide auxiliary, acceleration, and deceleration lanes would be provided (as needed in 14 locations; 5 southbound, 4 northbound and 5 both north- and southbound) and 10- to 12-foot-wide shoulders.
- New park and ride facilities at Manchester Avenue and SR-76, and enhanced park and ride facilities at other locations would be constructed.
- Reconfiguration of various local interchanges would occur to improve vehicular, pedestrian and bicycle circulation at northbound ramps for Leucadia Boulevard and La Costa Avenue; at southbound ramps for Roselle Street, Manchester Avenue, Encinitas Boulevard, Palomar Airport Road and Oceanside Boulevard; and at both north- and southbound ramps at Genesee Avenue, Del Mar Heights Road, Via de la Valle, Birmingham Drive, Santa Fe Drive, Tamarack Drive, Carlsbad Village Drive, Mission Avenue, SR-76, and Harbor Drive, as detailed on *Table 2.1* of the EIR/EIS.
- Redesign of lagoon bridges would occur at Peñasquitos, San Dieguito, San Elijo, Batiquitos, Agua Hedionda, and Buena Vista Lagoons, with a minimum width of 194 feet (97 feet on either side of centerline).
- Ramp metering would be implemented at various on-ramps (with ultimate metering at all 58 on-ramps at buildout), retaining walls (to reduce property acquisition needs, stabilize slopes, minimize impacts and accommodate engineered structures), barriers, guard rails/end treatments, crash cushions, bridge rails, and signage, installed as appropriate and as needed.
- Project-related drainage abandonment or improvement including extension, replacement or lining, with new drainage facilities constructed adjacent to cross roads (facility examples include storm drain inlets, storm ditches, rock slope protection, and headwalls).
- Existing overhead or underground utilities (water, sewer, gas, electricity telephone, and other communications) would be relocated as needed and within existing utility easements, as possible.
- Proposed sound barriers would be constructed as described in the EIR/EIS with specifics dependent on final design.

## Other Build Alternatives

### 10+4 Barrier Alternative

The 10+4 Barrier alternative has similar features to the 8+4 Buffer alternative but adds a general purpose lane from Del Mar Heights Road to SR-78; and HOV/Managed Lanes would be separated from the general-purpose lanes by a concrete barrier. Standard shoulder widths of 10 ft would be provided on either side of the barrier.

### 10+4 Buffer Alternative

The 10+4 Buffer alternative would function similarly to the 8+4 Buffer alternative but would add a general purpose lane from Del Mar Heights Road to SR-78.

### 8+4 Barrier Alternative

The 8+4 Barrier alternative has similar features to the 8+4 Buffer alternative except that a concrete barrier with standard shoulder widths of 10 ft on either side would separate the HOV/Managed lanes from the general-purpose lanes from Del Mar Heights Road to SR-78.

### No Build Alternative

The No Build alternative would not use any resources subject to Section 4(f).

## Coordination

This project has been developed in coordination with various federal, State, regional, and local agencies. FHWA is the lead agency for the National Environmental Policy Act (NEPA) and the California Department of Transportation (Caltrans) is the lead agency for the California Environmental Quality Act (CEQA). In support of the EIR/EIS, these *de minimis* determinations were prepared in consultation with the agencies having jurisdiction over the resources and centered on a.) significance of the property, b.) primary purpose of the land, c.) proposed use and impacts, and d.) proposed measures to avoid and/or minimize harm.

Multiple meetings were held after release of the Draft EIR/EIS for public review. In 2010, five public hearings were held in the open-house format to present details about the proposed project design, including the impacts to Section 4(f) resources, the alternatives being considered, and findings from the environmental studies, as identified in the Draft EIR/EIS prepared for the project. The hearings were held on the following dates and locations:

- July 27, 2010 at the Encinitas Community and Senior Center in Encinitas
- August 3, 2010 at the Westfield University Town Center Forum Hall in San Diego
- August 17, 2010 at the Faraday Center in Carlsbad
- August 24, 2010 at Skyline Elementary School in Solana Beach
- September 9, 2010 at the Oceanside High School Multipurpose Room in Oceanside

Outreach to multiple stakeholders has continued to the present, as documented in *Chapter 5, Comments and Coordination* of this Final EIR/EIS. Recent meetings with stakeholders who have authority related to Section 4(f) properties evaluated herein include three meetings in 2012 with San Dieguito River Park and JPA representatives and staff and a meeting on March 28, 2013; one meeting in 2012 with San Elijo Lagoon Conservancy staff and a meeting on April 3, 2013; and one meeting in 2012 with the City of Carlsbad for Agua Hedionda Lagoon and a meeting on February 12, 2013. Subsequent correspondence occurred, resulting in concurrence with the Section 4(f) determination as noted in this document.



## CHAPTER 3.0 – DISCUSSION OF PROPERTIES

To create a comprehensive list of resources that could potentially be subject to analysis under Section 4(f), Google Earth aeriels were viewed and field reviews were conducted to identify potential resources. The list was cross-checked with the General Plan Recreation Elements and parks and recreation websites of the cities in which the resources are located. All potential Section 4(f) resources within one half-mile of the *I-5 NCC Project* are tabulated below. This chapter discusses parks, recreational facilities, wildlife refuges and historic properties found within or adjacent to the project area for 1) public ownership, 2) public access, 3) eligible historic properties, 4) permanent use of the resource and analysis of the use, and 5) analysis of proximity impacts.

From this analysis, the following list was developed. The locations of each property are shown in Figures 2 and 3. After assembly of this list, the properties were researched to determine if they met the criteria for eligibility as Section 4(f) properties. The remaining properties were inspected to confirm their location with respect to the proposed project and to inventory the attributes of each property. In certain cases the actual property was found to be outside the half-mile limit of the study area. Therefore, the properties outside the half-mile limit of the study area were deleted from the textual analysis.

**Table 1: Potential Section 4(f) Resources and Distance from *I-5 NCC Project***

Map ID	Resource	City	Dist (mi) to I-5
1	UCSD Park	San Diego	0.10
2	Los Peñasquitos Canyon Reserve Trail	San Diego	0.01
3	Los Peñasquitos Canyon Preserve	San Diego	0.17
4	Torrey Hills School	San Diego	0.25
5	Torrey Hills Neighborhood Park	San Diego	0.40
6	Torrey Pines State Reserve	San Diego	0.17
7	Del Mar Heights Elementary School	San Diego	0.36
8	Del Mar Hills Academy of Arts and Sciences	San Diego	0.24
9	Solana Highlands Elementary School & Park	San Diego	0.22
10	San Dieguito River Park and Coast to Crest Trail	San Diego	0.00
11	Surf and Turf Recreation Park (aka Del Mar Golf Center)	San Diego	0.01
12	St James Academy	San Diego	0.05
13	La Colonia Park	Solana Beach	0.21
14	Santa Fe Christian School	Solana Beach	0.12
15	Earl Warren Middle School	Solana Beach	0.34
16	Skyline Elementary School	Solana Beach	0.18
17	Solana Vista Elementary School	Solana Beach	0.33
18	San Elijo Lagoon County Park and Ecological Reserve	Solana Beach & Encinitas	0.00
19	Glen Park	Encinitas	0.37
20	George Berkich Park	Encinitas	0.48
21	Cardiff Sports Park	Encinitas	0.44
22	Hall Property Community Park	Encinitas	0.00
23	Ada Harris Elementary School & Park	Encinitas	0.14
24	San Dieguito High School	Encinitas	0.28
25	Mildred MacPherson Park	Encinitas	0.40

**Table 1 (cont.): Potential Section 4(f) Resources and Distance from I-5 NCC Project**

Map ID	Resource	City	Dist (mi) to I-5
26	San Dieguito United Methodist Pre-school	Encinitas	0.11
27	Encinitas Viewpoint Park	Encinitas	0.19
28	Cottonwood Creek Park	Encinitas	0.47
29	San Diego Botanical Gardens	Encinitas	0.30
30	Paul Ecke Sports Park	Encinitas	0.00
31	Magdalena Ecke Family YMCA	Encinitas	0.03
32	Paul Ecke Central Elementary School	Encinitas	0.37
33	Orpheus Park	Encinitas	0.24
34	James MacPherson Park	Encinitas	0.01
35	Capri Elementary School	Encinitas	0.38
36	Batiquitos Lagoon	Carlsbad	0.00
37	Aviara Trails	Carlsbad	0.15
38	South Carlsbad State Beach	Carlsbad	0.33
39	Poinsettia Park	Carlsbad	0.35
41	Cannon Park	Carlsbad	0.35
40	Car Country Park	Carlsbad	0.01
42	Agua Hedionda Lagoon and CDFW Reserve	Carlsbad	0.00
43	Carlsbad State Beach	Carlsbad	0.40
43	Carlsbad State Beach	Carlsbad	0.40
44	Jefferson Elementary School	Carlsbad	0.32
45	Coastal Rail Trail - Carlsbad	Carlsbad	0.02
46	St Patrick's Catholic School	Carlsbad	0.10
47	Chase Field and Pine Avenue Park	Carlsbad	0.07
48	Holiday Park	Carlsbad	0.00
49	Rotary Park	Carlsbad	0.48
50	Maxton Brown Park	Carlsbad	0.44
51	Buena Vista Elementary School	Carlsbad	0.06
52	Hosp Grove Park	Carlsbad	0.38
53	Buena Vista Lagoon	Carlsbad & Oceanside	0.00
54	South Oceanside Elementary School and Park	Oceanside	0.17
55	Marshall Street Swim Center and Park	Oceanside	0.25
56	Palmquist School / Lincoln Middle School	Oceanside	0.30
57	Ditmar Elementary School	Oceanside	0.45
58	Center City Golf Course	Oceanside	0.00
59	Ron Ortega Recreation Park	Oceanside	0.02
60	Oceanside High School	Oceanside	0.03
61	Joe Balderrama Park & Center	Oceanside	0.15
62	Laurel Elementary School	Oceanside	0.43
63	San Luis Rey River Trail	Oceanside	0.00
64	Capistrano Park	Oceanside	0.21
65	Oak Park	Carlsbad	0.01
66	Pio Pico Park	Carlsbad	0.01

### 3.1 RESOURCES NOT PROTECTED BY SECTION 4(f)

The properties in Table 2 are not subject to the provisions of Section 4(f) because: 1) they are not a significant publicly owned recreation area, wildlife or waterfowl refuge or historic site listed or eligible for listing on the National Register of Historic Places, 2) they are not open to the public and/or 3) the project does not permanently use the property and does not hinder the preservation of the property.

Caltrans coordinated with the jurisdiction with authority over three recreational areas to determine if Section 4(f) were triggered. UCSD Park is not subject to Section 4(f) protections, with concurrence from UCSD stated in an email on August 31, 2010. Oak and Pio Pico Parks similarly are not subject to Section 4(f) protections, with concurrence from the City of Carlsbad stated in an email dated February 21, 2013.

**Table 2: Resources Not Protected by Section 4(f) and Type**

Map ID	Resource	City	Type	Notes
1	UCSD Park <sup>1</sup>	San Diego	passive open space	not significant public recreation area per UCSD <sup>1</sup>
11	Surf and Turf Recreation Park (Del Mar Golf Center)	San Diego	golf and tennis	private
12	St James Academy	San Diego	playground and fields	private
14	Santa Fe Christian School	Solana Beach	playground and fields	private
26	San Dieguito United Methodist Pre-school	Encinitas	playground and fields	private
29	San Diego Botanical Gardens	Encinitas	gardens	private
31	Magdalena Ecke family YMCA	Encinitas	gym, pool, skate park, and indoor soccer fields	private
32	Paul Ecke Central Elementary School	Encinitas	playground and fields	closed to the public
34	James MacPherson Park	Encinitas	park	no access
35	Capri Elementary School	Encinitas	playground and fields	closed to the public
44	Jefferson Elementary School	Carlsbad	playground and fields	closed to the public
46	St Patrick's Catholic School	Carlsbad	playground and fields	private

**Table 2 (cont.): Resources Not Protected by Section 4(f) and Type**

Map ID	Resource	City	Type	Notes
65	Oak Park <sup>2</sup>	Carlsbad	picnic area	not significant public recreation area per City of Carlsbad <sup>2</sup>
66	Pio Pico Park <sup>2</sup>	Carlsbad	picnic area	not significant public recreation area per City of Carlsbad <sup>2</sup>
62	Laurel Elementary School	Oceanside	playground and fields	closed to the public

1: The UCSD Park lands are areas designated for open space, aesthetic, and habitat values. Per correspondence with UCSD, any recreational use is incidental. Therefore, these parks are not subject to Section 4(f).

2: The Oak and Pio Pico Parks are defined as "Special Use Areas." within the City of Carlsbad General Plan under the Parks and Recreation section. The City of Carlsbad concurred that these parks do not have a significant recreational use and would not be subject to Section 4(f).

### 3.2 SECTION 4(f) RESOURCES EVALUATED FOR PROXIMITY IMPACTS

All public and publicly accessed parks, recreational facilities, and wildlife refuges within approximately 0.5 mi of any of the project alternatives have been identified and considered. The attributes contributing to the Section 4(f) resources listed in Table 3 below have been inventoried and the effects of the project upon these attributes evaluated. It is not expected that the proposed project would result in a constructive use due the project's proximity to these resources. Each of these Section 4(f) resources is described in the text following Table 3, including size, activities, facilities, and characteristics. Chapter 4 discusses proximity impacts to San Elijo and Agua Hedionda Lagoons and historic structures.

**Table 3: Section 4(f) Resources and Type**

Map ID	Resource	City	Type
2	Los Peñasquitos Canyon Reserve Trail	San Diego	trail
4	Torrey Hills School	San Diego	sports fields
3	Los Peñasquitos Canyon Preserve	San Diego	open space
5	Torrey Hills Neighborhood Park	San Diego	community park
6	Torrey Pines State Reserve	San Diego	open space
7	Del Mar Heights Elementary School	San Diego	playground and fields
8	Del Mar Hills Academy of Arts and Sciences	San Diego	playground and fields
9	Solana Highlands Elementary School & Park	San Diego	community park
10	San Dieguito River Park and Coast to Crest Trail	San Diego	regional park and trail
13	La Colonia Park	Solana Beach	community park
15	Earl Warren Middle School	Solana Beach	playground and fields
16	Skyline Elementary School	Solana Beach	playground and fields

**Table 3 (cont.): Section 4(f) Resources and Type**

Map ID	Resource	City	Type
17	Solana Vista Elementary School	Solana Beach	playground and fields
19	Glen Park	Encinitas	community park
20	George Berkich Park	Encinitas	community park
21	Cardiff Sports Park	Encinitas	sports fields
22	Hall Property Community Park	Encinitas	community park
23	Ada Harris Elementary School & Park	Encinitas	community park
24	San Dieguito High School	Encinitas	sports fields
25	Mildred MacPherson Park	Encinitas	community park
27	Encinitas Viewpoint Park	Encinitas	community park
28	Cottonwood Creek Park	Encinitas	community park
33	Orpheus Park	Encinitas	community park
36	Batiquitos Lagoon	Carlsbad	open space
37	Aviara Trails	Carlsbad	trail
38	South Carlsbad State Beach	Carlsbad	beach, open space
39	Poinsettia Park	Carlsbad	community park
40	Car Country Park	Carlsbad	community park
41	Cannon Park	Carlsbad	community park
43	Carlsbad State Beach	Carlsbad	beach, open space
45	Coastal Rail Trail - Carlsbad	Carlsbad	trail
47	Chase Field and Pine Avenue Park	Carlsbad	sports fields and community park
48	Holiday Park	Carlsbad	community park
49	Rotary Park	Carlsbad	community park
50	Maxton Brown Park	Carlsbad	passive recreation
51	Buena Vista Elementary School	Carlsbad	playground and fields
52	Hosp Grove Park	Carlsbad	community park
53	Buena Vista Lagoon	Carlsbad & Oceanside	open space
55	Marshall Street Swim Center and Park	Oceanside	community park
54	South Oceanside Elementary School and Park	Oceanside	community park
56	Palmquist School / Lincoln Middle School	Oceanside	playground and fields
57	Ditmar Elementary School	Oceanside	playground and fields
58	Center City Golf Course	Oceanside	golf course
59	Ron Ortega Recreation Park	Oceanside	sports fields
60	Oceanside High School	Oceanside	sports fields
61	Joe Balderrama Park & Center	Oceanside	community park
63	San Luis Rey River Trail	Oceanside	trail / bike path
64	Capistrano Park	Oceanside	community park

As documented in the Final EIR/EIS, bridges at San Elijo, Batiquitos, and Buena Vista lagoons would be lengthened within Caltrans right-of-way to accommodate the channel dimensions identified in the optimization studies. Lengthening of the bridges would remove roadbed fill, create more wetland, and enhance tidal and fluvial flows and water quality in these lagoons. The longer bridges at San Elijo and Buena Vista lagoons would also facilitate restoration plans for these lagoons.

#### Los Peñasquitos Canyon Preserve and Trail

Los Peñasquitos Canyon Preserve is an open space park, including a system of trails, jointly owned and administered by the City and County of San Diego, and accessible on the south side of Sorrento Valley Boulevard, approximately 1.0 mi east of Vista Sorrento Parkway. The Preserve is located approximately 0.17 mi from I-5; however, a hiking trail extends westward beyond the Preserve boundary to Vista Sorrento Parkway. The reserve is approximately 4,000 ac of Peñasquitos and Lopez canyons and is characterized by steep slopes, riparian stream corridors, flat mesa tops, and grassy hillsides. It hosts a diverse collection of flora and fauna. The preserve allows biking and hiking on designated trails. The preserve and trail's status as a publicly owned open space park makes Los Peñasquitos Canyon Preserve and Trail a resource subject to Section 4(f) protection. There would be no use of any of the trails by the proposed project, nor would the project impact any of the access points to the Preserve. Scenic views from the trails would not be substantially impaired, as the canyon topography obscures most views of I-5. This topography also acts as a natural sound barrier. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions, and there would be no change in drainage patterns for the area. In fact for water quality, there is no change to the salinity and turbidity of the water, because there is no change to the existing tidal range. Therefore, the proposed project is not expected to cause a use of Los Peñasquitos Canyon Preserve because the proximity of the project would not impair the protected activities, features, or attributes of the preserve.

#### Torrey Hills School

Torrey Hills School is a public elementary school in the Del Mar Union School District, located approximately 0.25 mi east of I-5. It is accessible via Calle Mar de Mariposa. The playground and sports field include three backstops, four unlighted basketball courts, eight handball courts, and three tot lots. These facilities are open to the public and publicly owned and are therefore protected under Section 4(f). There would be no use of the resource by the proposed project, and access to the school would not change as the proposed project would not impact Calle Mar de Mariposa. There are several blocks of development between the school and the proposed project, which act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the school.

#### Torrey Hills Neighborhood Park

Torrey Hills Neighborhood Park is a 15.0 ac public park, located approximately 0.40 mi east of I-5. It is accessible from Calle Mar de Mariposa. Facilities at the park include two lighted baseball fields, one large multipurpose field, one unlighted basketball court, picnic tables, and one tot lot. Public access and ownership makes Torrey Hills Neighborhood Park a resource subject to Section 4(f) protection. None of the proposed project alternatives would require a use of any portion of the park. Access to the park would not change as the project would not impact Calle Mar de Mariposa. The topography acts as a natural barrier from freeway noise. Vegetation,



views, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the park.

#### Torrey Pines State Reserve

Torrey Pines State Reserve (the Reserve) is located in the northwest corner of the City of San Diego. The Reserve is managed by the California Department of Parks and Recreation. The Reserve, as shown in Figure 4, is 2,000 ac of land surrounded by the Pacific Ocean to the west, the City of Del Mar to the north, the community of La Jolla to the south, and I-5 to the east. The Torrey Pines State Reserve consists of several components, including the Main Reserve, an Extension Reserve, Los Peñasquitos Marsh Natural Preserve, and Torrey Pines State Beach. The eastern portion of the Main Reserve and eastern portion of the Los Peñasquitos Marsh Natural Preserve are the portions of the Reserve located closest to the proposed project.

The Reserve includes a visitor center located at 12600 North Torrey Pines Road, and approximately 7.5 mi of hiking trails, 5.5 mi of which are located within the Main Reserve. Public ownership and use of the park and trails within the Main Reserve is provided at the main park entrance off of Camino Del Mar along Torrey Pines Park Road. Four developed viewpoints are located within the trail network (see Figure 4 insert). The Reserve offers a variety of programs for the public and volunteers ranging from interactive presentations and guided tours to trail maintenance. The Reserve is open daily from 8:00 a.m. until sunset. The visitor center opens daily at 9:00 a.m.

The mouth of Los Peñasquitos Lagoon is located at the northern end of the main reserve. Los Peñasquitos Lagoon is encompassed by the Los Peñasquitos Marsh Natural Preserve and is one of the last salt marsh areas and waterfowl refuges remaining in southern California. Los Peñasquitos Lagoon is home to several rare and endangered species of birds and serves as a stopping and nesting place for many migratory birds.

There would be no Section 4(f) use of the Reserve by the proposed project. All improvements associated with the proposed project near the Reserve, including Los Peñasquitos Lagoon, would take place within the existing Caltrans right-of-way. Access would not change as the proposed project would not impact North Torrey Pines Road or Torrey Pines Park Road. The proposed project is visible from the Reserve. Most of the developed viewpoints (see Figure 4 insert) are westerly toward the Pacific Ocean. However, views from the park toward the proposed project would not be affected since the I-5 freeway is visible in the existing condition and improvements to I-5 associated with the proposed project would not substantially alter existing views. Freeway noise in the Reserve is inaudible due to topography and the distance to I-5. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use of the Reserve because the proximity of the project would not substantially impair the protected activities, features, or attributes of the reserve.

#### Del Mar Heights Elementary School

Del Mar Heights Elementary School is a public elementary school in the Del Mar Union School District, located approximately 0.36 mi west of I-5 on the top of the slope. It is accessible to vehicular traffic on Boquita Drive off of Del Mar Heights Road. The playground and sports fields at the school include one unlighted basketball court, two unlighted baseball fields, one handball court, and two tot lots. These facilities are open to the public on afternoons and weekends.



Public access and ownership qualify these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the school by the proposed project, and access would not be changed as there would be no impact to Del Mar Heights Road in this area. Visual impacts remain consistent with existing views. Noise measurements taken at adjacent receptors indicate existing noise levels between 64 decibels (dBA) and 69 dBA, which is above the 67 dBA Noise Abatement Criteria (NAC) for Category B receptors, which include residences, recreational areas, picnic areas, playgrounds, active sport areas, parks, motels/hotels, schools, churches, libraries, and hospitals. For more information on the fundamentals of noise, please refer to *Section 3.15, Noise*, in the EIR/EIS. A soundwall at that location was found to be unreasonable. The noise level would increase by three dBA in the future. Since increases in noise less than three dBA are generally not perceptible by the human ear, noise levels would remain consistent with the existing conditions. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use of the school because the proximity of the project would not impair the protected activities, features, or attributes of the school.

#### Del Mar Hills Academy of Arts and Sciences

Del Mar Hills Academy is a public elementary school in the Del Mar Union School District, located approximately 0.24 mi west of I-5, and accessible by vehicular traffic along Mango Drive off of Del Mar Heights Road. The playground and sports field includes two unlighted basketball courts, one asphalt volleyball court, one unlighted baseball field, three tot lots, and a YMCA Boys and Girls Club building. These facilities are open to the public on afternoons and weekends. Public access and ownership qualify these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the resource by the proposed project, and access would not be changed as there would be no impact to Del Mar Heights Road in this area. Noise measurements taken at three receptors on the recreational facilities on the campus indicate existing noise levels between 64 dBA and 69 dBA, which is above the 67 dBA NAC for Category B receptors, which include residences, recreational areas, picnic areas, playgrounds, active sport areas, parks, motels/hotels, schools, churches, libraries, and hospitals. For more information on the fundamentals of noise, please refer to *Section 3.15* in the EIR/EIS. The future with no-build would increase the dBA by one. A soundwall at that location was found to be unreasonable. The noise level would increase by three dBA in the future. Since increases in noise less than three dBA are generally not perceptible by the human ear, noise levels would remain consistent with the existing conditions. Views of the project from the Academy are very limited and would remain consistent with existing views. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use of Del Mar Hills Academy because the proximity of the project would not impair the protected activities, features, or attributes of the Academy.

#### Solana Highlands Elementary School and Park

Solana Highlands Elementary is a public elementary school in the Solana Beach School District, located approximately 0.22 mi east of I-5, accessible from Long Run Drive off of High Bluff Drive. Solana Highlands Park is a community park adjacent to the elementary school with two unlighted baseball fields, two unlighted basketball courts and two unlighted half-court basketball courts, two handball courts, and two tot lots. These facilities are open to the public on afternoons and weekends. Public access and ownership qualify these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the resource property by the proposed project, and access would not be changed as there would be no impact to Long Run Drive or High Bluff Drive in this area. Views of the project from the school

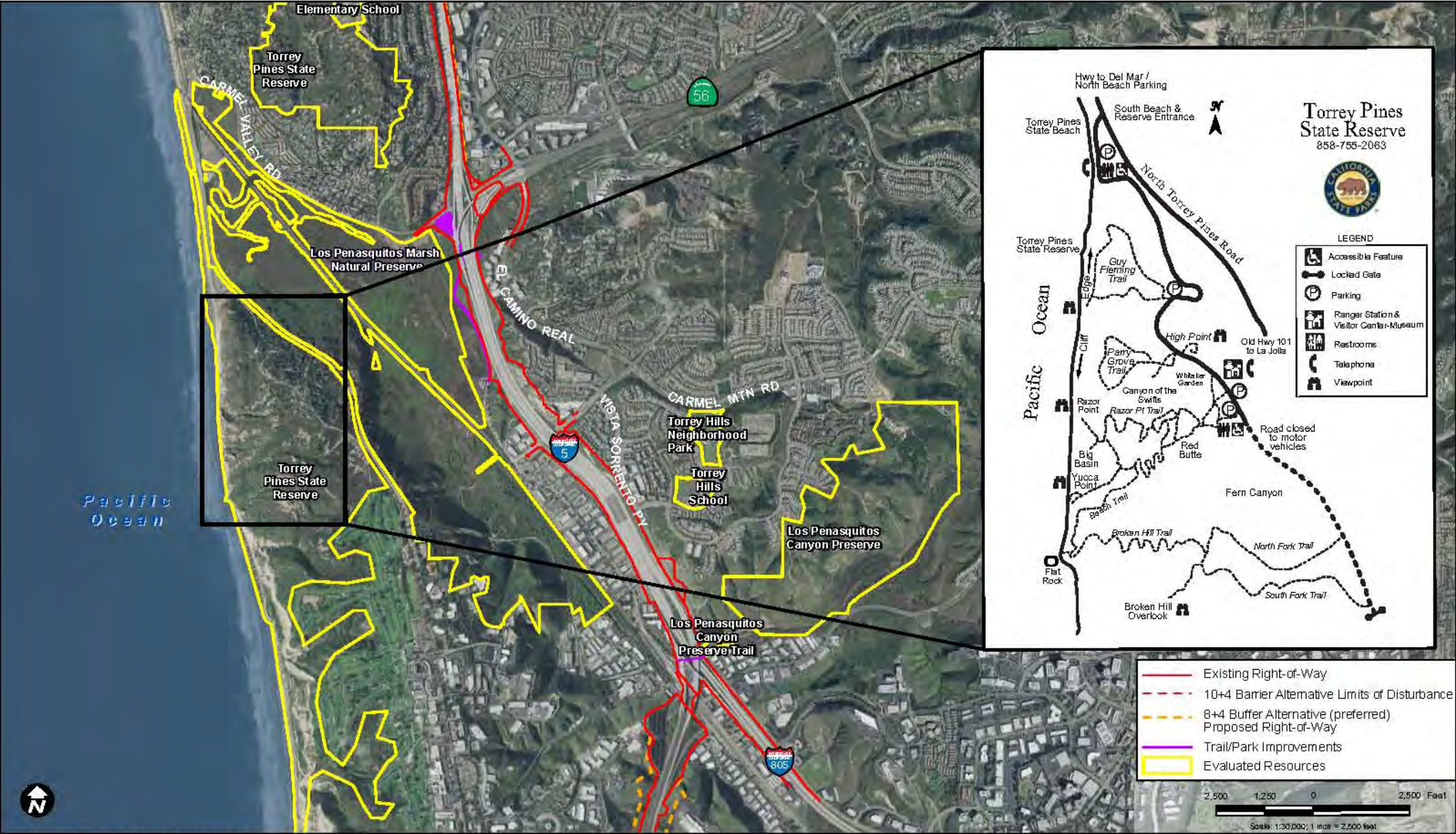


Figure 4: Torrey Pines State Reserve



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and park are very limited as there are five blocks of development between the school, park and the proposed project, which also act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the school and park.

#### San Dieguito River Park and Coast to Crest Trail

The San Dieguito River Park (SDRP) encompasses approximately 88,000 ac of land, stretching from the mouth of San Dieguito Lagoon east along the San Dieguito River to Ironside Spring on Volcan Mountain, just north of Julian. The San Dieguito River Park is a Joint Powers Authority (JPA) resource. The term "Joint Powers Authority" (JPA) means that some public agencies have agreed to jointly share certain powers, such as the power to manage and acquire land. The SDRP is administered by the San Dieguito River Valley Regional Open Space Park JPA, who is working to create a regional open space greenway and park system by preserving and restoring land along the length of the San Dieguito River watershed. This open space greenway and park system is being integrated by regional walking, equestrian, and bicycle trails that would extend from the Pacific Ocean to Volcan Mountain called the Coast to Crest Trail, which is currently two-thirds complete.

As shown in Figure 5, the coastal area of the SDRP encompasses approximately 440 ac and is bordered by the Pacific Ocean to the west, El Camino Real to the east, Via de la Valle to the north, and the northern edge of the Carmel Valley planning area to the south. The coastal area of the SDRP is bisected by I-5, is located entirely within the coastal zone, and is located within the incorporated boundaries of the Cities of Del Mar and San Diego. A variety of public agencies own land within the coastal area of the SDRP (in addition to the JPA itself): CDFW, State of California 22nd District Agricultural Association, the Cities of San Diego and Del Mar, and Southern California Edison (SCE). SCE, a privately owned utility agency, only owns one parcel along Via de la Valle, and this parcel is in the process of being transferred to the JPA. The property adjacent to and east of I-5 is owned by the JPA. The western area of the SDRP is currently managed by the JPA through implementation of the San Dieguito Wetlands Restoration Project that was developed in collaboration with local, State, and federal agencies including the California Coastal Commission, USFWS, NMFS, CDFW, and the Cities of San Diego and Del Mar. The San Dieguito Wetlands Restoration project was initiated to mitigate impacts on marine fish populations resulting from the cooling water systems of San Onofre Nuclear Generating Station Units 2 and 3.

Access to the coastal area of the SDRP for recreational uses is primarily along the lagoon segment of the Coast to Crest Trail, which exists from El Camino Real to Jimmy Durante Boulevard, a portion of which is parallel to and under I-5. Other public trails in the SDRP coastal area include the Riverpath Del Mar, located near the Del Mar Public Works Yard, along Jimmy Durante Boulevard, as well as the Dust Devil Nature Trail off of El Camino Real (previously called the Mesa Loop Trail). A nature center is also planned along the Coast to Crest trail east of I-5, and a trailside outdoor amphitheatre is currently under construction just east of I-5. Because the SDRP has status as a publicly owned open space preserve, wetlands restoration area, and regional open space greenway and park system, it qualifies as a resource subject to protection under Section 4(f).

The Draft EIR/EIS evaluated whether implementation of the proposed project would have the potential to use small quantities of land in the western portion of the SDRP. Since circulation of the Draft EIR/EIS, all alternatives have been refined in coordination with both State and federal

resource agencies through the NEPA/404 Integration Process to minimize impacts, where possible, by reducing the amount of right-of-way and limiting the grading footprint to minimize impacts to natural resources while still meeting project objectives. The refinements allowed the project to avoid permanently impacting land within the SDRP and eliminate the previous permanent use of small quantities of SDRP land (Figures 6 and 7).

The Coast to Crest Trail would be maintained in its existing placement. The portion of the trail that crosses underneath I-5 and that would be subject to temporary closures during construction activities is within a revocable easement granted by Caltrans and is, therefore, not subject to Section 4(f). In any case, every reasonable effort would be made to maintain the continuity of existing and designated trails, including providing detours when trail access would be temporarily disrupted and implementing the shortest feasible construction period where physically affecting the trail.

Construction of a retaining wall to avoid permanent use of the Coast to Crest trail may require a temporary construction easement for the footing of the retaining wall for the 10+4 Barrier, 10+4 Buffer, and 8+4 Barrier alternatives within the SDRP. If an alternative other than the Preferred Alternative is selected and a temporary construction easement is requested to avoid impacts to the SDRP, then FHWA/Caltrans would coordinate with the JPA regarding a temporary construction easement. The easement would be exempt from Section 4(f) under 23 CFR 774.13(d) because the temporary "occupancy" would require no change in ownership; would involve minor changes; would not interfere with the protected activities, features, or attributes of the SDRP; and would involve full restoration of the easement area.

The project proposes to add the I-5 NC Bike Trail that would extend along the west side of I-5. The I-5 NC Bike Trail is intended for recreational purposes and would enhance San Dieguito River Park trails by connecting with the Coast to Crest Trail on the west side of I-5 north of the San Dieguito River. The connection from the I-5 NC Bike Trail to the Coast to Crest trail within the SDRP would impact 0.04 acre. This connection and the retaining wall would be constructed solely for the purpose of preserving or enhancing the activities, features, and attributes of the recreational Section 4(f) resource. As allowed under the exceptions to Section 4(f) under 23 CFR 774.13(g), Section 4(f) would not be triggered to connect these two trails. Caltrans received an email on May 22, 2013 that JPA concurs that this impact is beneficial and is exempt from Section 4(f) per 23 CFR 774.13(g).

Potential indirect impacts to the facilities, functions, and/or activities within SDRP have been evaluated as discussed below.

No access points of the SDRP would be affected by any alternative. Access to trails would not be affected by any alternative. Specifically in the lagoon trail area, the trailheads for Riverpath Del Mar and Boardwalk would continue to be accessible from Jimmy Durante Boulevard, and access to trail segments east of I-5 would be accessible from the kiosk at the end of San Andres, even during times when the trail underneath I-5 may be affected by construction activities. Access to trailheads for other trails within the SDRP, such as Crest Canyon Trail and Dust Devil Nature Trail, would not be affected by the *I-5 NCC Project*. The Crest Canyon Trail within the park is accessible at Racetrack View Drive, and Dust Devil Nature Trail is accessible from El Camino Real. Impacts to the Coast to Crest Trail would not be considered a permanent use of a Section 4(f) property, as described above.



Figure 5: Coastal Area of the San Dieguito River Park

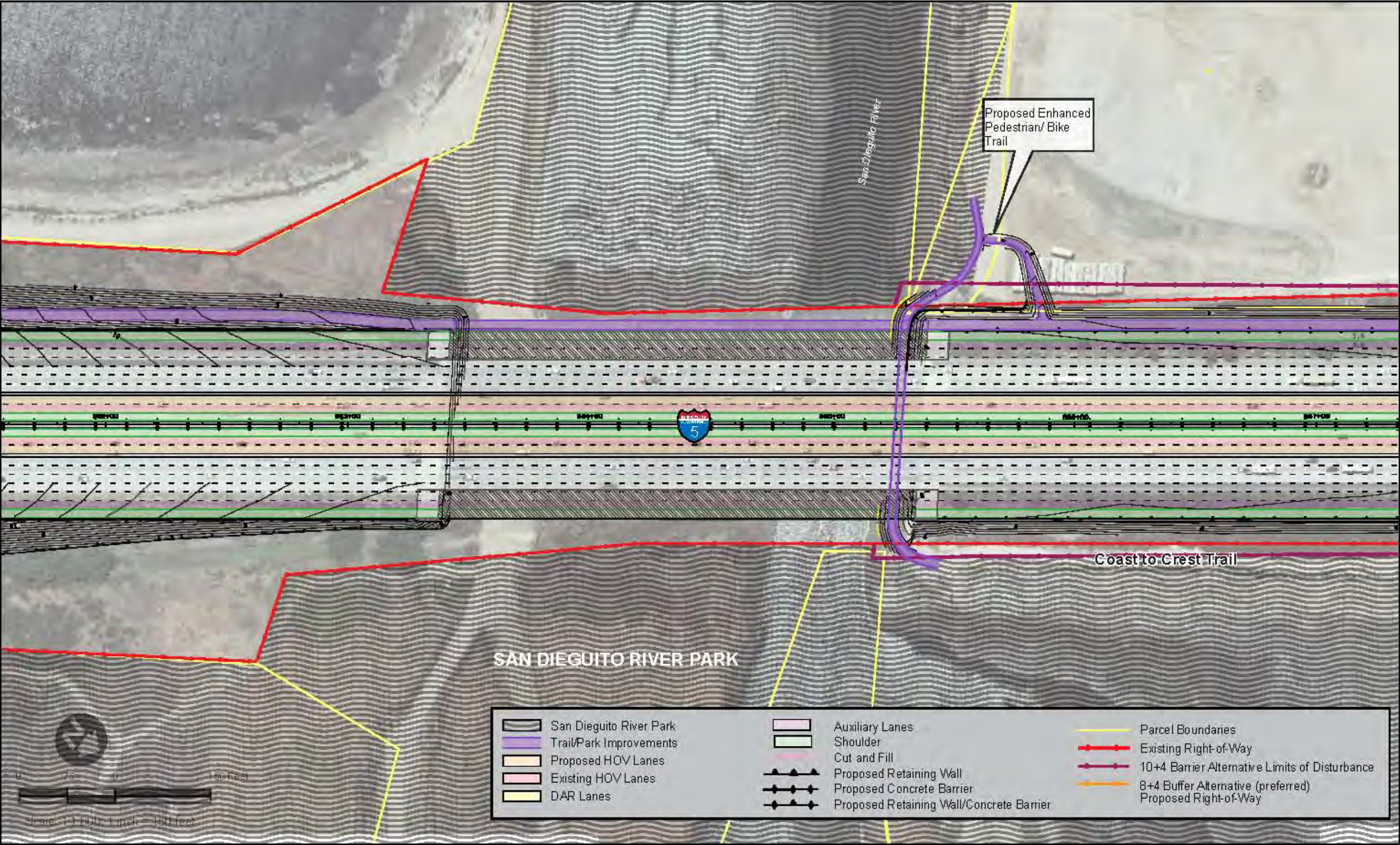


Figure 6: Potential Impacts to the Coastal Area of the San Dieguito River Park

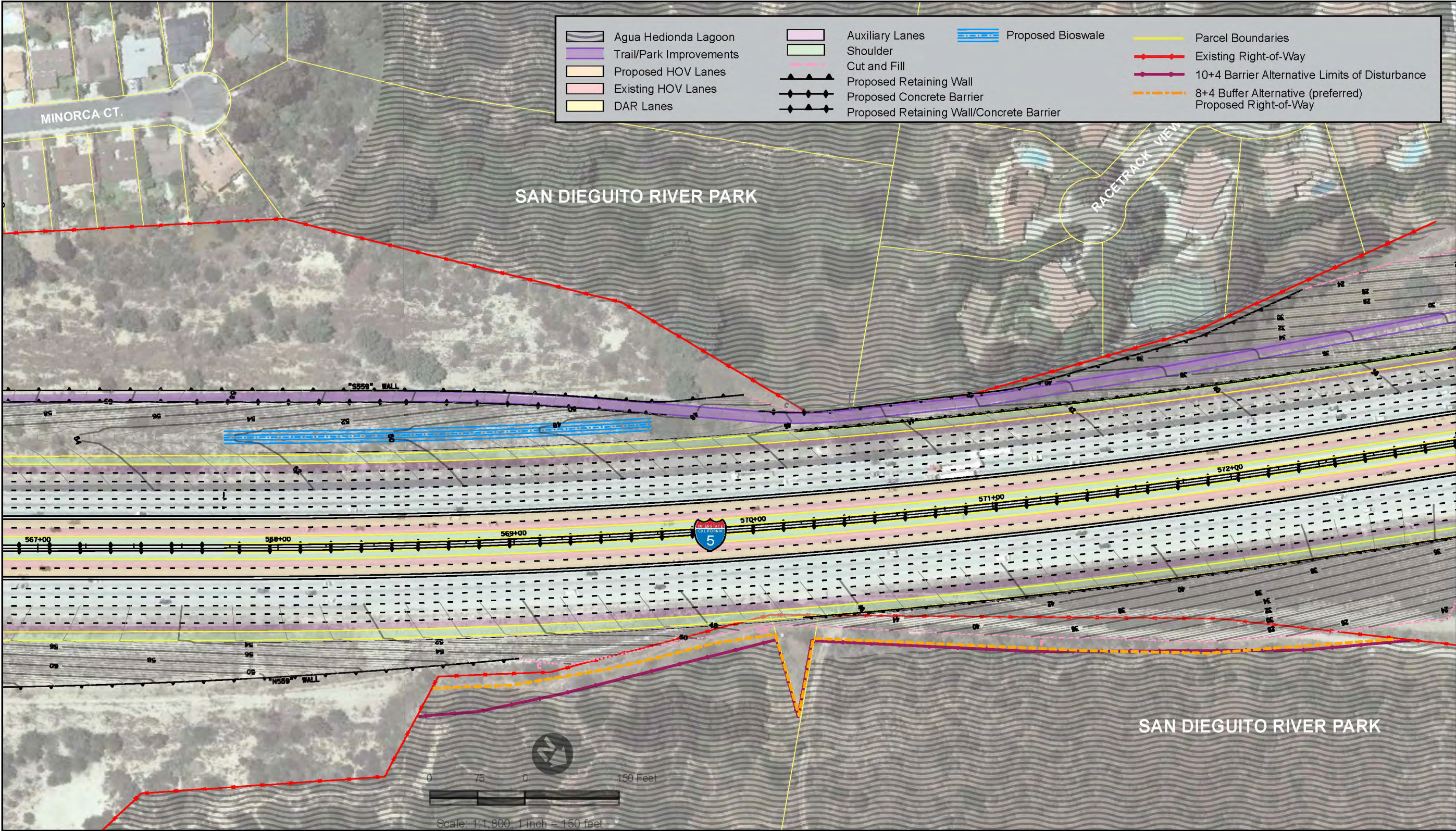


Figure 7: Potential Impacts to the San Dieguito River Park



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Implementation of any build alternative would not substantially alter the visual quality of the area because the proposed project entails widening the existing freeway. Currently, I-5 bisects the coastal setting of the SDRP. No alternative would affect the dominant scenic elements of the 4(f) resource, which are the river, marsh areas, and vast open scenic views compared to the impacts of the existing I-5 freeway. Where the viewer focuses on the freeway, it would continue to provide a large industrial element similar to existing conditions.

Noise modeling for the *I-5 NCC Project* projected future I-5 traffic volume increases based on a 10+4 Barrier future development scenario (see *Section 3.15, Noise*, of the Final EIR/EIS for details on noise modeling). The noise model identified the existing noise levels and projected the future noise levels at three receptors within the coastal area of the SDRP. The receptor with the loudest existing noise level was 66 dBA. This receptor also had a predicted future noise level at that location of 68 dBA, an increase of two dBA. This two dBA increase was predicted at three noise receptors within SDRP. Noise modeling indicates that similar increases would occur across the entire open lagoon area that dominates the coastal area of the SDRP, typically ranging between two to three dBA. This two to three dBA increase is not generally perceptible to the human ear.

Since no SDRP land permanent use is proposed for this alternative, as defined by Section 4(f), vegetation would remain as it currently exists. Any vegetation removed would be replaced using a native plant palette.

In terms of wildlife, sensitive species such as coastal California gnatcatchers and Belding's savannah sparrows currently use the habitat near the I-5 freeway and are exposed to existing noise levels up to 66 dBA. Implementation of the noise modeling for the 10+4 Barrier alternative would result in a noise increase of an additional two to three dBA, and would not substantially increase the potential for noise to impact these sensitive species. As described in *Section 3.21, Threatened and Endangered Species*, of the EIR/EIS, there is no single standard or threshold for determining adverse noise effects on bird species. Prior studies that have indicated a possible noise effect threshold for certain species of songbirds have not been scientifically shown to be valid for the species listed above. Although a healthy human ear can barely perceive changes on the order of three dBA, it is unclear what level is perceptible to bird species in general, and less clear as to what is discernible to the above species. Some bird species within the lagoon and its periphery are expected to be exposed to an increase of two dBA, but the relative effects are likely to vary, due to the nonlinear scale in which noise is measured. An increase from 66 to 68 dBA  $L_{eq}$  requires a relatively greater amount of acoustic energy than an increase from 56 to 58 dBA  $L_{eq}$ . As such, the birds within the future 66 dBA  $L_{eq}$  noise contour may be affected to a greater degree than the rest of the populations of these species. It should be noted that under existing conditions, noise in excess of 70 dBA occurs over various wetland and upland habitats along the *I-5 NCC Project* corridor that either support, or have the potential to support, special status bird species. Although population numbers have undergone natural fluctuations over the years, these species continue to forage, nest, breed, and otherwise consistently occur within suitable habitat during the breeding season in areas subjected to a wide range of noise levels.

In summary, retaining walls have been proposed for the 10+4 Barrier, 10+4 Buffer, and 8+4 Barrier alternatives to avoid use of the park. Implementation of such walls may require a temporary construction easement that is exempt from Section 4(f) per 23 CFR 774.13(d), because it would not impede the ability of the SDRP to function as a publicly owned open regional open space park. Such walls would not be needed for the Preferred Alternative.

Access to the park would not be impeded temporarily or permanently. The proposed project would not permanently interfere with existing trails, including the Coast to Crest trail. The visual character of the park would be unchanged as the coastal area of the SDRP is already bisected by the I-5. The additional lanes constructed as part of the *I-5 NCC Project* would not substantially alter views. Increases in noise levels would not be noticeable to park users. Areas of natural vegetation disturbed through construction would be restored with native plant species. Wildlife, air quality, and water quality would remain similar to the existing conditions. Based on project refinement and evaluation subsequent to circulation of the Draft EIR/EIS, it has been determined that neither the refined 8+4 Buffer alternative (Preferred Alternative) nor any other build alternative would require a *de minimis* finding. No areas of the SDRP would be transferred to a non-recreational transportation use.

Multiple meetings have been held with SDRP stakeholders, including a meeting to discuss conceptual community enhancement projects in 2006, and meetings to update the Executive Director, Citizens Advisory Committee, and JPA Board on project status in 2012 (refer to *Table 5.2, Stakeholder Outreach and Coordination*). More recently, Caltrans met on behalf of FHWA with JPA on March 28, 2013.

In response to JPA request, four commitments have been added to the project:

1. Caltrans will work with the JPA to determine if lagoon- or water-themed art and other educational amenities may be incorporated into the freeway trail undercrossing;
2. Caltrans will work with the JPA to provide beautification on the concrete facing adjacent to the trail under I-5 and will review the original design to determine what elements can be incorporated into the proposed bridge;
3. Caltrans will appoint the *I-5 NCC Project* Project Manager to work as a liaison with JPA staff on design details during the engineering design of the *I-5 NCC Project*, particularly where the freeway interfaces with the trail and park; and
4. Caltrans will appoint the Project Manager for the *I-5 NCC Project* to work as a liaison with JPA staff during construction in order to establish procedures to address construction notifications, potential trail closures, and other construction-period issues.

#### La Colonia Park

La Colonia Park is a 1.79-ac community park located 0.21 mi west of I-5 in the Eden Gardens community of Solana Beach. It is accessible from Stevens Avenue. Facilities at the park include one half-court basketball court, one tot lot, a large grass area for active and passive uses, and a picnic area with barbeques and picnic tables. Public ownership and access qualify La Colonia Park as a resource subject to Section 4(f) protection. There would be no use of the park by the proposed project, and access to the school would not change as the project would not impact Stevens Avenue. Views of the project to the freeway are very limited as there is development between the park and the proposed project, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the school and park.

#### Earl Warren Middle School

Earl Warren Middle School is a public school in the San Dieguito Union High School District, located approximately 0.34 mi west of I-5, accessible from Stevens Avenue off of Lomas Santa

Fe Drive. The playground and sports fields include three unlighted basketball courts, two unlighted half-court basketball courts, four backstops, four volleyball nets, and pull-up bars. These facilities are open to the public when school is not in session. They are often rented out to sports leagues on weekends. Public ownership and access qualify these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the resource by the proposed project. Access to the school would not change as the project would not impact Stevens Avenue or Lomas Santa Fe Drive in this area. Views of the project from the school are very limited as there is development between the school and the proposed project, which also acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the school.

#### Skyline Elementary School

Skyline Elementary is a public school in the Solana Beach School District, located approximately 0.18 mi west of I-5, accessible from Lomas Santa Fe Drive. The playground and sports fields include two unlighted basketball courts, three unlighted half-court basketball courts, three handball courts, two back stops, and two tot lots. These facilities are open to the public on afternoons and weekends. This public ownership and access qualify these campus facilities as a resource afforded protection under Section 4(f). There would be no physical use of the facilities by the proposed project, and access to the school would not change as the project would not impact Lomas Santa Fe Drive in this area. Views of the project from the school are very limited as there are several blocks of development, including retail and dining establishments, between the school and the proposed project, which also act as a sound barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the school.

#### Solana Vista Elementary School

Solana Vista Elementary is a public school in the Solana Beach School District, located approximately 0.33 mi east of I-5, accessible from Santa Victoria. The playground and sports field include one unlighted basketball court, one unlighted half-court basketball court, two handball courts, and one tot lot. These facilities are open to the public on afternoons and weekends. This public ownership and access qualify these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the school by the proposed project, as access to the school would not change and there are no impacts to Santa Victoria. Views of the project from the school would be very limited as there are five blocks of development between the school and the proposed project, which act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the provisions of Section 4(f) are not triggered.

#### Glen Park

Glen Park is a public park owned by the City of Encinitas, located approximately 0.37 mi west of I-5, accessible from Orinda Drive. The 4.49-ac park has one unlighted basketball court, one unlighted tennis court, one volleyball court, one tot lot, picnic benches, and a Scout and Youth Center. Public ownership and access make Glen Park a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project. Access to the school would not change as the project would not impact Orinda Drive. Views of the project

from the park are very limited as there is housing development between the park and the project, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the park.

#### George Berkich Park

George Berkich Park is a public park owned by the Cardiff School District, adjacent to Cardiff Elementary School, located approximately 0.48 mi west of I-5. It is accessible from Montgomery Avenue. The 4.5-ac park has one unlighted basketball court and two additional basketball hoops, one unlighted baseball field, one tot lot, and a picnic area with benches. Public ownership and access make George Berkich Park a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project, and access to the park would not change as the project would not impact Montgomery Avenue. Views of the project from the park are obstructed by several blocks of development and natural topography, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the park.

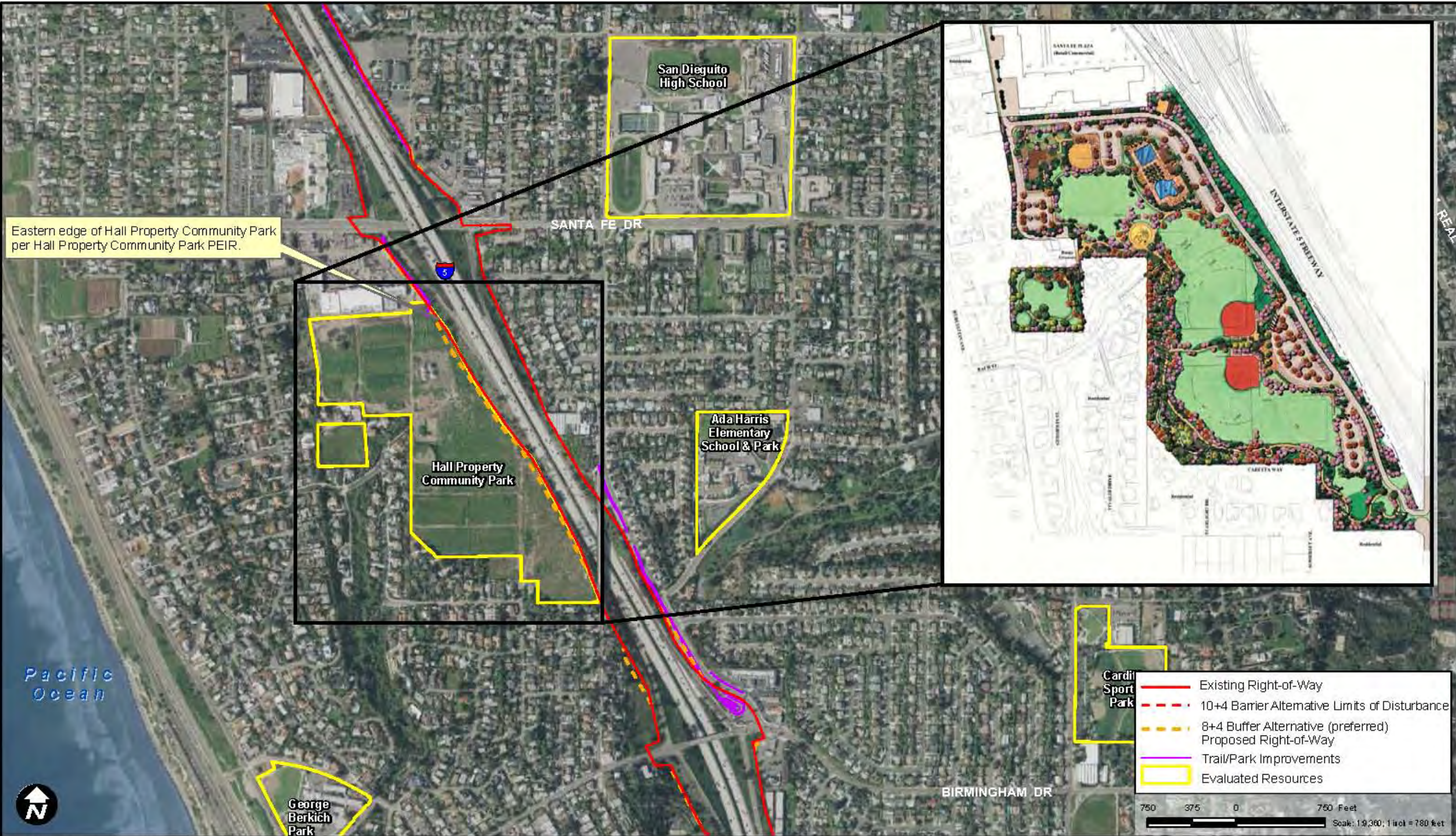
#### Cardiff Sports Park

Cardiff Sports Park is a public park owned by the City of Encinitas located approximately 0.44 mi east of I-5. It is accessible from Lake Drive. The 9.2 ac has four lighted baseball fields. Public ownership and access make Cardiff Sports Park a resource subject to Section 4(f) protection. There would be no use of the park by the proposed project, and access to the park would not change as the project would not impact Lake Drive. Views of the project from the park are obstructed by eight blocks of development and natural topography, which also act as a barrier to freeway noise, vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the park.

#### Hall Property Community Park

Hall Property Community Park (now named Encinitas Community Park) along the I-5 right-of-way is a park planned for construction by the City of Encinitas. The Hall Property Community Park Final Environmental Impact Report (EIR) was certified by the City in 2008 (EDAW 2008). The City of Encinitas purchased the approximately 44-ac site for park development in May 2001. The Park plan includes a mixture of active and passive uses. Active uses would include softball/baseball fields, a basketball court, multiuse turf fields, a teen center, a dog park, an amphitheatre, a skate park, and possibly an aquatic facility. Passive uses would include gardens, picnic areas, trails, and a scenic overlook (Figure 8). Phase One, including the skate park, the dog park, the soccer fields, ball fields and the softball field, was put out to bid by the City in April 2012, with completion anticipated for 2014.

The City coordinated with Caltrans on the park design to ensure that implementation of the proposed project would not require a 4(f) use of lands planned for the park. In the Hall Property Community Park Final Program EIR, the City has agreed to an easement dedication of land that would provide the right-of-way needed to improve I-5, therefore the provisions of 4(f) are not triggered (23 CFR § 774.11[i]).



This map includes geographic information from Caltrans GIS, San Diego and SAN DIEGO. The imagery was taken by Eagle Aerial Imaging 03/2011. Figure revised 9/18/2013

Figure 8: Hall Property Community Park



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Park access would not change as the project would not impact Somerset Avenue or Warwick Avenue. The proposed project is visible from the park. However, views from the park toward the proposed project would not be affected since the I-5 freeway is visible in the existing condition and improvements to I-5 associated with the project would not substantially alter existing views. Vegetation, wildlife, air quality, noise, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use of Hall Property Community Park because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park.

#### Ada Harris Elementary School and Park

Ada Harris School is a public elementary school in the Cardiff School District, located approximately 0.14 mi east of I-5. It is accessible from Windsor Road off of Villa Cardiff Drive. Ada Harris Park is a community park contiguous to the elementary school with three unlighted basketball courts, one back stop, one soccer field, one handball court, and one tot lot. These facilities are open to the public on afternoons and weekends. This public access and ownership qualifies these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the resource by the proposed project, and access to the school and park would not change as the project would not impact Windsor Road or Villa Cardiff Drive. Views of the project from the school and park are obstructed by six blocks of development and natural topography, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the school and park.

#### San Dieguito High School

San Dieguito Academy is a public school in the San Dieguito Union High School District, located approximately 0.28 mi east of I-5 and accessible from Santa Fe Drive. Facilities at San Dieguito Academy include one unlighted soccer field and dirt track, one unlighted baseball field, four unlighted basketball courts, four lighted tennis courts, and pull-up bars. The sports fields are open to the public during weekday afternoons, and the tennis courts are open to the public on the weekends. Public access and ownership qualify these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the school by the proposed project, and access to the school would not change. Views of the freeway from the school are obstructed by several blocks of development, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the school.

#### Mildred MacPherson Park

Mildred MacPherson Park is a public mini-park owned by the City of Encinitas, located approximately 0.40 mi west of I-5. It is accessible from South Vulcan Avenue off of Santa Fe Drive. The 1-ac park includes one unlighted half-court basketball court, one tot lot, and picnic facilities. Public ownership and access make Mildred MacPherson Park a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project and access to the park would not change as the project would not impact South Vulcan Avenue or Santa Fe Drive. Views of the project from the park are obstructed by several blocks of development, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is

not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the park.

#### Encinitas Viewpoint Park

Encinitas Viewpoint Park is a public neighborhood park owned by the City of Encinitas, located approximately 0.19 mi west of I-5, and accessible from East D Street off of South Vulcan Avenue. The 2.7-ac park includes one tot lot, picnic facilities, and passive recreation space.

The park has specified hours for off-leash dog activity. Public ownership and access qualify the park as a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project, and access to the park would not change as the *I-5 NCC Project* would not impact South Vulcan Avenue or East D Street. Views of the project from the park are limited as there are several blocks of residential development between the park and the proposed project. The development also acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the park.

#### Paul Ecke Sports Park/YMCA

The Paul Ecke Sports Park and YMCA, located in Encinitas, is an approximately 9.3-ac park located at 278 Saxony Road north of the intersection of Encinitas Boulevard and I-5. The park is owned by the YMCA, which leases the park to the City of Encinitas. There is a 25-year lease agreement ending in 2014 (with option to renew for an additional 10 years), under which the park is operated by the City of Encinitas. This public use qualifies the park as a resource subject to Section 4(f) protection. The park consists of three lighted baseball fields. These fields are used for baseball, little league baseball, and adult softball, and the outfields are also used for soccer and flag football. The fields are used mainly for organized sports leagues, but the fields are also open to non-league uses when league play is not in action. The park is open from 8 a.m. to 11 p.m. The western edge of the park abuts the existing Caltrans right-of-way.

Under the build alternatives, no permanent impacts would occur to the property, and, therefore, there is also not a Section 4(f) use. A potential temporary construction easement to build a retaining wall that avoids permanent impacts to the park is exempt from Section 4(f) per 23 CFR 774.13(d), because the impact would be minimal and would not cause permanent adverse physical impacts, nor would it interfere with the activities or purpose of the resource. In addition, the temporary impacts period is shorter in duration than the overall construction time of the phase. Should the temporary construction easement be necessary, Caltrans would confer with the City of Encinitas to ensure that the minimal work for the retaining wall would not interfere with the purpose of this resource, as required under Section 4(f). Caltrans received an email from the City of Encinitas on September 16, 2013 concurring that the temporary construction easement to build a retaining wall that avoids permanent impacts to the park constitutes temporary occupancy of the land, and that this project action is exempt from Section 4(f) per 23 CFR 774.13(d) because the impact is minimal and would neither cause permanent adverse physical impacts nor interfere with the activities or purpose of the resource.

Access to the park would not change as the proposed project would not impact Saxony Road at the park's eastern boundary. The park is on top of the slope from the freeway. Improvements to I-5 associated with the proposed project would not dramatically alter the existing view, as they would consist of a retaining wall on the slope between the park and the freeway. Two

noise measurements and future predictions were conducted for the park. Future noise modeling predicted that traffic-generated noise levels at these two receptors would increase by two dBA with the proposed project. This two-dBA increase would not be perceptible to the human ear. Vegetation, wildlife, air quality, and water quality would remain similar to the existing environment. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the park.

#### Cottonwood Creek Park

Cottonwood Creek Park is a 8.2-ac public park owned by the City of Encinitas. The park is located west of I-5 at the northeast corner of the Encinitas Boulevard and North Vulcan Avenue, west of the intersection of Encinitas Boulevard and I-5. Cottonwood Creek Park includes two unlighted half-court basketball courts, two lighted tennis courts, a gazebo, a climbing rock, one tot lot, and passive recreation areas, including two nature viewing areas with picnic tables. It is separated from I-5 by existing development and is not immediately adjacent to the freeway. Public ownership and access qualify Cottonwood Creek Park as a resource subject to Section 4(f) protection.

The proposed project would not use any portion of the existing park. There would be a temporary construction easement to build a retaining wall, which would avoid permanent impacts to the park. On behalf of FHWA, Caltrans conferred with the City of Encinitas to ensure that minimal work for the retaining wall would not interfere with the purpose of this resource. Caltrans received an email from the City of Encinitas on March 8, 2013 concurring that the temporary construction easement to build a retaining wall that avoids permanent impacts to the park constitutes temporary occupancy of the land, and this project action is exempt from Section 4(f) per 23 CFR 774.13(d) because the impact is minimal and will not cause permanent adverse physical impacts nor will it interfere with the activities or purpose of the resource.

Access to the park would not change as the proposed project would not impact North Vulcan Avenue or Encinitas Boulevard. Commercial development partially obscures the proposed project from Cottonwood Creek Park. However, unobscured views would not be affected since the I-5 freeway is visible in the existing condition. The view of the freeway is dominated by the view east down Encinitas Boulevard showing the bridge passing over Encinitas Boulevard. Improvements to I-5 associated with the proposed project would not dramatically alter the existing view, as they would consist primarily of the widening of the existing bridge. Commercial business, distance from the proposed project, and terrain act as barrier from freeway noise for the park. Vegetation, wildlife, air quality, and water quality would remain similar to the existing environment. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the park.

#### Orpheus Park

Orpheus Park is a neighborhood park owned by the City of Encinitas, located approximately 0.24 mi west of I-5, accessible from Orpheus Avenue. The 2.9-ac park includes one tot lot, picnic facilities, limited off-leash dog hours, and passive recreation space. Public ownership and access qualify Orpheus Park as a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project, and access to the park would not change as the project would not impact Orpheus Avenue. Views of the project from the park are obscured by topography and several blocks of residential development, which act as a barrier to freeway noise.

Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the park.

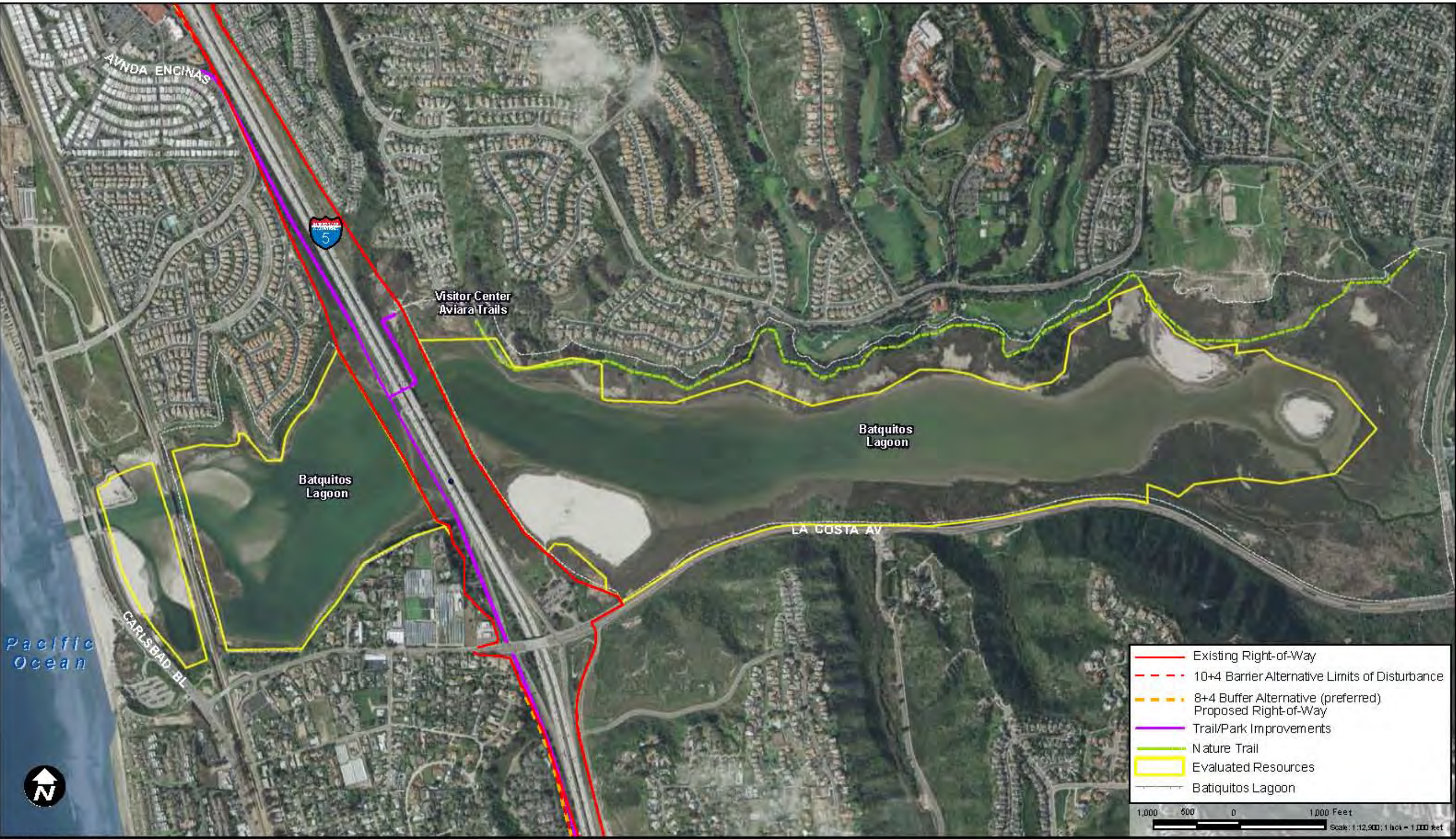
#### Batiquitos Lagoon

Batiquitos Lagoon Ecological Reserve is a wetlands preserve serving a variety of wildlife habitat on the coast between Encinitas and Carlsbad in Figure 9. It is surrounded by the Pacific Ocean to the west; steep hills to the south traversed by La Costa Avenue; gentle slopes to the north adjacent to the Aviara development and golf course; and San Marcos Creek to the east, which serves as the connection between Batiquitos Lagoon and the watershed farther east. Batiquitos Lagoon is approximately 610 ac in size. The lagoon's watershed includes portions of the Cities of Carlsbad, San Marcos, and Encinitas. The lagoon's primary freshwater tributaries are San Marcos Creek to the east, which flows under El Camino Real, and Encinitas Creek to the south, which empties into the lagoon under La Costa Avenue.

Batiquitos Lagoon is currently owned by the State of California and is preserved as a State Ecological Reserve with public access, a resource subject to Section 4(f) protection. Batiquitos Lagoon is currently managed by a number of agencies as a restoration project initiated by the Port of Los Angeles to compensate for the loss of marine resources resulting from construction of new cargo terminals in the Port of Los Angeles. The Port of Los Angeles is working with the City of Carlsbad, the California Department of Fish and Wildlife (CDFW), the California State Lands Commission, the U.S. Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS) to restore Batiquitos Lagoon. Batiquitos Lagoon includes a Nature Center, located at 7380 Gabbiano Lane, and a public hiking trail two mi long. The public hiking trail begins at the end of Gabbiano Lane and continues almost to El Camino Real on the east end of the lagoon (see Figure 9). Public access to the trail is provided from the public parking lot near the nature center and four public parking lots along Batiquitos Drive (Batiquitos Lagoon Foundation 2006).

There would be no use of Batiquitos Lagoon by the proposed project. All improvements associated with the proposed project, including proposed enhancements to the existing park and ride lot, and proposed trails, would take place within the existing Caltrans right-of-way. This is due to a retaining wall on the north portion of the middle basin to the west of I-5 that would avoid impacts to this resource. Access would not change as the *I-5 NCC Project* would not impact Gabbiano Lane or Batiquitos Drive. The proposed project is visible from Batiquitos Lagoon. Views from the park toward the proposed project would not be substantially affected as the freeway is visible in the existing condition and improvements to I-5 associated with the proposed project would occur within the right-of-way and would not dramatically alter the existing view.

Existing noise levels at Batiquitos Lagoon are estimated to be between 62 and 64 dBA. Modeling indicates the proposed project would result in a noise increase of approximately two to four dBA, with maximum sound levels estimated at 68 dBA. Vegetation would remain similar to the existing conditions. Wildlife in the area include gnatcatchers on the north shore in east and west basins near the Caltrans right-of-way. Gnatcatchers fly in and out of Caltrans right-of-way all along the east basin. Also in the east basin is an island near the Caltrans right-of-way where Least Terns nest. There is no single standard or threshold for determining adverse noise effects on bird species, however, and studies that have identified noise effects for other bird species have not been scientifically proven to affect the species found at Batiquitos Lagoon. Furthermore, existing noise in excess of 70 dBA occurs over various wetland and upland habitats along the *I-5 NCC Project* corridor where bird populations exist.



This map includes geographic information from Caltrans O & B, San Diego SANDAG. The imagery was taken by Eagle Aerial Imaging 03/2011. Revised 5/19/2013

Figure 9: Batiquitos Lagoon



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In addition, wildlife and air quality would remain similar to the existing conditions. The water quality would have an increased benefit, as documented in the Supplemental EIR/EIS, because the optimized bridge design would reduce flow velocities and scour under the bridge while still transporting sand and sediments similar to existing conditions. Inlet velocities would remain similar to existing conditions due to the fixed nature of the recently modified inlet. Sediment transport under extreme flood velocities also would be reduced with the optimized channels under the optimized bridge resulting in less scour and erosion along the channels. Overall, the optimized I-5 bridge was found to result in increased tidal range in the eastern basin, which would result in increased salt marsh and other intertidal habitats (with less subtidal habitats), enhanced flushing, and improved water quality within the lagoon. Therefore, the proposed project is not expected to cause a use of Batiquitos Lagoon because the proximity impacts would not substantially impair the protected activities, features, or attributes of the lagoon.

#### Aviara Trails

The Lagoon Trail of the Aviara Trails system is 2.1 mi in length and parallels the Batiquitos Lagoon's north shore. It is located approximately 0.15 mi east of I-5 and is accessible to the public from Gabbiano Lane. The trail's status as a publicly owned recreation area makes the Aviara Trails a resource subject to Section 4(f) protection. There would be no use of the trail by the proposed project. Access to the trail could include trail improvements extending the trail into Caltrans right-of-way if maintenance agreements are reached. Otherwise there is no change to public streets as the project would not impact Gabbiano Lane. The proposed project is visible from the Lagoon Trail. Views from the trail toward the proposed project would not be substantially affected since the I-5 freeway is visible in the existing condition. Improvements to I-5 associated with the proposed project would not dramatically alter the existing view. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the trails.

#### South Carlsbad State Beach

South Carlsbad State Beach is a 3-mi stretch of beach, located approximately 0.33 mi west of I-5. It is accessible from Carlsbad Boulevard. The beach is open to the public for swimming, surfing, fishing, picnicking, and camping. Public ownership qualifies South Carlsbad State Beach as a resource subject to Section 4(f) protection. There would be no use of the beach by the proposed project. Access to the beach would not change as the *I-5 NCC Project* would not impact Carlsbad Boulevard. The proposed project has limited views from the beach due to topography and development located, including a power plant, between the beach and the proposed project. Unobscured views from the beach towards the proposed project would not be substantially altered since I-5 is visible in the existing conditions. The improvements to I-5 associated with the proposed project would not dramatically alter existing views. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of South Carlsbad State Beach.

#### Poinsettia Park

Poinsettia Park is a 42-ac public park, located approximately 0.35 mi east of I-5, and accessible to the public from Hidden Valley Road. Facilities at the park include three lighted baseball fields, ten lighted tennis courts, two lighted basketball courts, one lighted soccer field, picnic tables, and one tot lot. Public ownership and access quality make Poinsettia Park a resource

subject to Section 4(f) protection. There would be no use of the resource by the proposed project. Access to the park would not change as the project would not impact Hidden Valley Road. Views of the project from Poinsettia Park are limited as there is development between the park and the freeway, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the park.

#### Car Country Park

Car Country Park, owned by the City of Carlsbad, is a small 1.03-ac passive recreation area along Paseo Del Norte. The park is located immediately adjacent to I-5, and situated between several car dealerships to the north and south. The park contains a picnic table, landscaping, and a meandering sidewalk. Public ownership and access qualify Car Country Park as a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project. Access to the park would not change as the project would not impact Paseo Del Norte. The proposed project is visible from Car Country Park, as there are no barriers between the park and I-5. However, views from the park toward the proposed project would not be substantially affected since the I-5 freeway is visible in the existing condition and improvements to I-5 associated with the proposed project would not dramatically alter the existing view. Existing noise levels are estimated at approximately 75 dBA. Future noise levels with the proposed project are anticipated to increase between three to five dBA at this location, which would likely be perceptible to the human ear. However, the estimated increase in noise due to the project would not likely deter people who might otherwise decide to visit the park. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the park.

#### Cannon Park

Cannon Park is a 2.4-ac public park, located approximately 0.35 mi west of I-5, accessible from Cannon Road and Carlsbad Boulevard. The park has one basketball court, one volleyball court, one backstop, picnic tables, and a tot lot area. Public ownership and access qualify Cannon Park as a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project, and access to the park would not change as the project would not impact Cannon Road or Carlsbad Boulevard. Views from the park toward the proposed project would remain unchanged since existing views are obstructed by topography, residential and commercial development, as well as by the Encina Power Plant. This development also acts as a barrier from freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the park.

#### Carlsbad State Beach

Carlsbad State Beach is a 1.4-mi stretch of State-owned beach, located approximately 0.40 mi west of I-5 and accessed along Carlsbad Boulevard. The beach is open to the public for swimming, surfing, fishing, scuba diving, sunbathing, and other beach-related activities. Public ownership and access qualify Carlsbad State Beach as a resource subject to Section 4(f) protection. There would be no use of the beach by the proposed project. Access to the beach would not change as the project would not impact Tamarack Avenue. The proposed project cannot be viewed from the beach as there are many blocks of development, including the

Encina Power Plant, between the beach and the proposed project. Freeway noise is inaudible from the beach due to distance from I-5, wave action from the ocean, and existing development and topography. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the beach.

#### Coastal Rail Trail – Carlsbad

The Coastal Rail Trail in Carlsbad is a 1.2-mi stretch of trail, located approximately 0.33 mi west of I-5, accessible from Tamarack Avenue and Oak Avenue. Activities on the trail include walking/jogging and biking. Public ownership and access qualify the Coastal Rail Trail as a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project, and access to the trail would not change as the project would not impact Tamarack Avenue or Oak Avenue. The proposed project cannot be viewed from the trail as there are several blocks of residential and commercial development between the park and the proposed project, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the trail.

#### Chase Field

Chase Field is a 2.7-ac playing field located approximately 0.07 mi west of I-5. It is accessible from Harding Street off of Carlsbad Village Drive. Facilities include three lighted baseball fields and a snack bar. The field's status as a publicly owned park with public access qualifies the field as a resource subject to Section 4(f) protection. There would be no use of the field by the proposed project, and access to the field would not change as the project would not impact Harding Street or Carlsbad Village Drive in this area. Views from the field toward the freeway are obscured by two blocks of development, which also act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of Chase Field.

#### Pine Avenue Community Park

The Pine Avenue Community Park is a 7.7-ac park adjacent to Chase Field, located approximately 0.11 mi west of I-5 and accessible from Harding Street off of Carlsbad Village Drive. Facilities at Pine Avenue Park include a lighted soccer field, a lighted baseball field, two half-court basketball courts, picnic tables, and a tot lot area. Public ownership and access qualify the park as a resource subject to Section 4(f) protection. There would be no use of the park by the proposed project, and access to the park would not change as the project would not impact Harding Street or Carlsbad Village Drive in this area. Views of the project from the park are obscured by two blocks of development, which also act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the park.

#### Holiday Park

Holiday Park is a 5.9-ac public park, owned by the City of Carlsbad, located on the corner of Chestnut Avenue and Pio Pico Drive (Figure 10). Holiday Park features horseshoe pits, a picnic

area, a tot lot play area, restrooms, and large shade trees. There would be no use of Holiday Park by the proposed project. However, implementation of the 10+4 Barrier alternative would require the use of an up to 0.73-ac strip of the existing Pio Pico Drive. The location of this right-of-way use is shown in Figure 10. Currently, parking is allowed on the east side of Pio Pico Drive. The loss of this existing street right-of-way would stretch approximately 800 ft along Pio Pico Drive and displace on-street parking. Based on an assumption of one parking space equaling 20 ft, the loss of 800 ft of available parking would result in a loss of 40 available parking spaces. Three small parking lots exist at the park itself with approximately 30 parking spaces each, resulting in a net total of approximately 90 parking spaces. Five of these parking spaces are reserved for handicapped parking. Street parking is allowed on the majority of the streets surrounding the park. Field reconnaissance at the park was conducted on two separate occasions to determine if parking was constrained in the existing condition. One site visit was conducted on a summer evening during the workweek when it was expected that the majority of residents surrounding the park were home. Another was conducted on a Saturday afternoon in the summer when it can be expected that the park would have a large number of patrons. During both visits, it was observed that the parking lots adjacent to the park were approximately half full; fewer than 10 cars were observed along Pio Pico Drive itself, and the majority of the street parking surrounding the park was vacant. Consequently, the loss of parking along Pio Pico Drive would not substantially reduce parking available for Holiday Park. Only the 10+4 Barrier alternative would impact street parking along Pio Pico Drive next to Holiday Park, and there is ongoing coordination with the City of Carlsbad regarding the City's parking concerns. Access patterns would change slightly with the loss of on-street parking along Pio Pico Drive, but adequate parking would remain available in the immediate vicinity.

Existing views of the freeway atop a low embankment would be replaced by a retaining wall, topped by a proposed soundwall. Although the wall would alter views to the west, this would not affect activities at the park. Additionally, noise levels would actually be reduced slightly with construction of the soundwall. The retaining/soundwall would be between 12 to 15 ft in height and feature architectural detailing (see EIR/EIS Figures 3-7.65 through 3-7.68). Landscaping would also be provided at the base of the wall. If, during final design, it is found that conditions have substantially changed, noise abatement may not be necessary at some locations. Existing noise levels are between 66 and 75 dBA; with the soundwall noise levels would be reduced to 66 to 67 dBA. The final decision regarding noise abatement would be made upon completion of the project design and ongoing coordination with the City of Carlsbad. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project would not cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park, as documented in the visual simulations of the park shown in Figures 11a through 11d and discussed in *Chapter 3.7, Visual/Aesthetics* of the Final EIR/EIS.



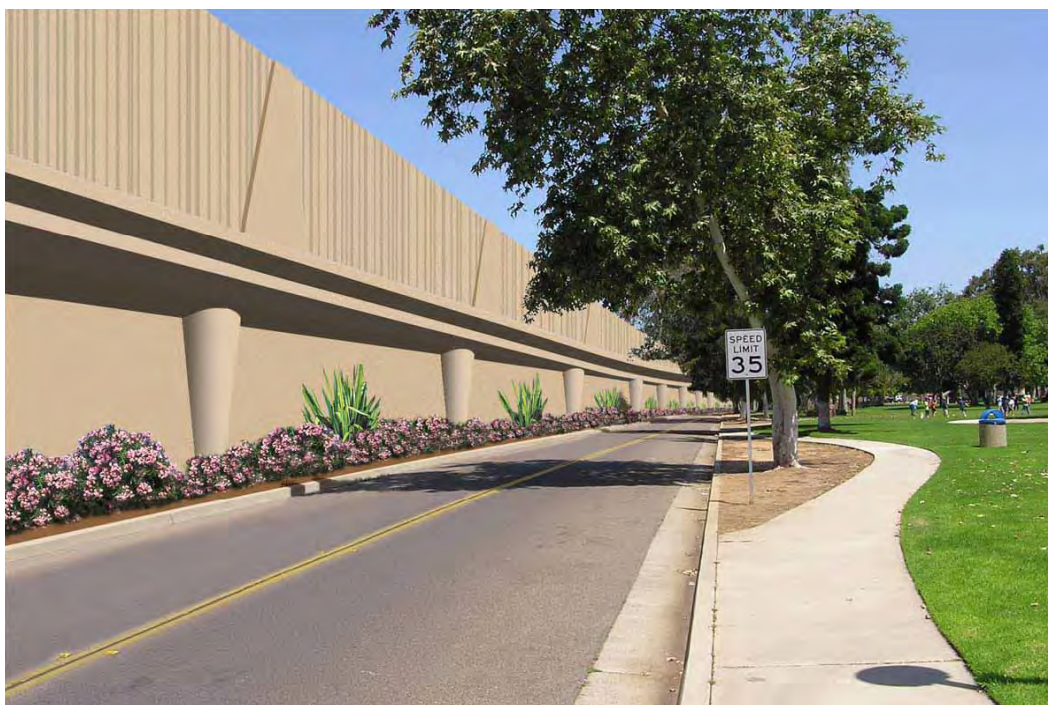
Figure 10: Holiday Park



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**Figure 11a: Holiday Park in Carlsbad: Existing view looking north**



**Figure 11b: Holiday Park in Carlsbad: Proposed view looking north**



**Figure 11c: Holiday Park in Carlsbad: Existing view looking southwest**



**Figure 11d: Holiday Park in Carlsbad: Proposed view looking southwest**



### Rotary Park

Rotary Park is a 0.8-ac public park, located approximately 0.48 mi west of I-5. It is accessible from Grand Avenue and Carlsbad Village Drive. The park has a gazebo and benches. Public ownership and access qualify Rotary Park as a resource subject to Section 4(f) protection. There would be no use of the park by the proposed project, and access to the park would not change as the project would not impact Grand Avenue or Carlsbad Village Drive in this area. Views of the project from the park would be obscured by ten blocks of development, including retail and restaurants. This development also would act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park.

### Maxton Brown Park

Maxton Brown Park is a 1.0-ac public park located approximately 0.44 mi west of I-5. It is accessible from Laguna Drive and State Street off of Carlsbad Boulevard. The park includes picnic tables and barbecue facilities. Public ownership and access qualify Maxton Brown Park as a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project. Access to the park would not change as the project would not impact Laguna Drive, State Street, or Carlsbad Boulevard. Views of the project from the park are obscured by several blocks of development, which act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park.

### Buena Vista Elementary School

Buena Vista Elementary is a public school in the Carlsbad Unified School District, located approximately 0.06 mi east of I-5, accessible from Buena Vista Way off of Pio Pico Drive. Facilities at Buena Vista Elementary include three basketball courts, one volleyball court, and two handball courts. These facilities are open to the public on afternoons and weekends. This public access and ownership qualify these school facilities as a resource afforded protection under Section 4(f). There would be no use of the school by the proposed project, and access to the school would not change as the project would not impact Buena Vista Way or Pio Pico Drive in this area.

Views of the project from the school are limited, as there are three blocks of development between the school and the proposed project. Improvements to I-5 associated with the proposed project would not dramatically alter existing views. The proposed project would reduce freeway noise below existing levels with the construction of the proposed soundwall. The wall height would be 10ft and the length is 433 ft. If, during final design, it is found that conditions have substantially changed, noise abatement may not be necessary at some locations. The final decision regarding noise abatement would be made upon completion of the project design and coordination with the City of Carlsbad. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park.

### Hosp Grove Park

Hosp Grove Park is a public park owned by the City of Carlsbad, located approximately 0.38 mi east of I-5 at the corner of Jefferson Street and Monroe Street, near Buena Vista Lagoon.



Facilities at the 65.03-ac park include picnic tables, a tot lot, and a 2.4-km (1.5-mi) walking trail. The remainder of the park is a eucalyptus grove. Public ownership and access qualify Hosp Grove Park as a resource subject to Section 4(f) protection. There would be no use of the park by the proposed project, and access to the park would not change as the project would not impact Jefferson Street or Monroe Street. The proposed project is visible from Hosp Grove Park. However, views to and from the park toward the proposed project would not be affected since the I-5 freeway is visible in the existing conditions, and improvements to I-5 associated with the proposed project would not dramatically alter the existing views. Commercial business, distance from the proposed project, and terrain act as barrier from freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park.

#### Buena Vista Lagoon

Buena Vista Lagoon is an approximately 350-ac freshwater lagoon that is managed as an ecological preserve by the CDFW. Buena Vista Lagoon, as shown in Figure 12, is located between the Cities of Oceanside and Carlsbad and is bordered by the Pacific Ocean in the west; urban development, SR-78, and Jefferson Street to the east; and urban development to north and south.

The Nature Center at 2202 South Coast Highway in Oceanside operated by Buena Vista Audubon Society. Fishing and passive recreation such as picnicking are permitted at the lagoon. The Nature Center staff provides guided nature walks. The lagoon's status as publicly owned ecological preserve and recreation area makes the Buena Vista Lagoon subject to Section 4(f) protection.

There would be no use of Buena Vista Lagoon by the proposed project. All improvements associated with the proposed project near Buena Vista Lagoon would take place within the existing Caltrans right-of-way. The proposed project is visible from Buena Vista Lagoon. However, views from the lagoon toward the proposed project would not be substantially changed since the I-5 freeway is visible in the existing. Existing noise levels at Buena Vista Lagoon were measured at 53 dBA at one receptor and 63 dBA at two other receptors.

Noise modeling found that noise at the lagoon resulting from operation of the proposed project would increase by no more than two dBA for all three receptors. This increase in noise would not substantially impair Buena Vista Lagoon's ability to function as an ecological preserve. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. In fact for water quality, there is no change to the salinity and turbidity of the water, because there is no change to the existing tidal range. The proposed project is not expected to cause a use of Buena Vista Lagoon because the proximity impacts would not substantially impair the protected activities, features, or attributes of the lagoon.

#### South Oceanside Elementary School and Park

South Oceanside Elementary is a public elementary school in the Oceanside Unified School District, located approximately 0.17 mi west of I-5. It is accessible from South Horne Street off of Cassidy Street. South Oceanside Park is a community park adjacent to the elementary school with one baseball field and one additional backstop, three basketball courts, two tennis

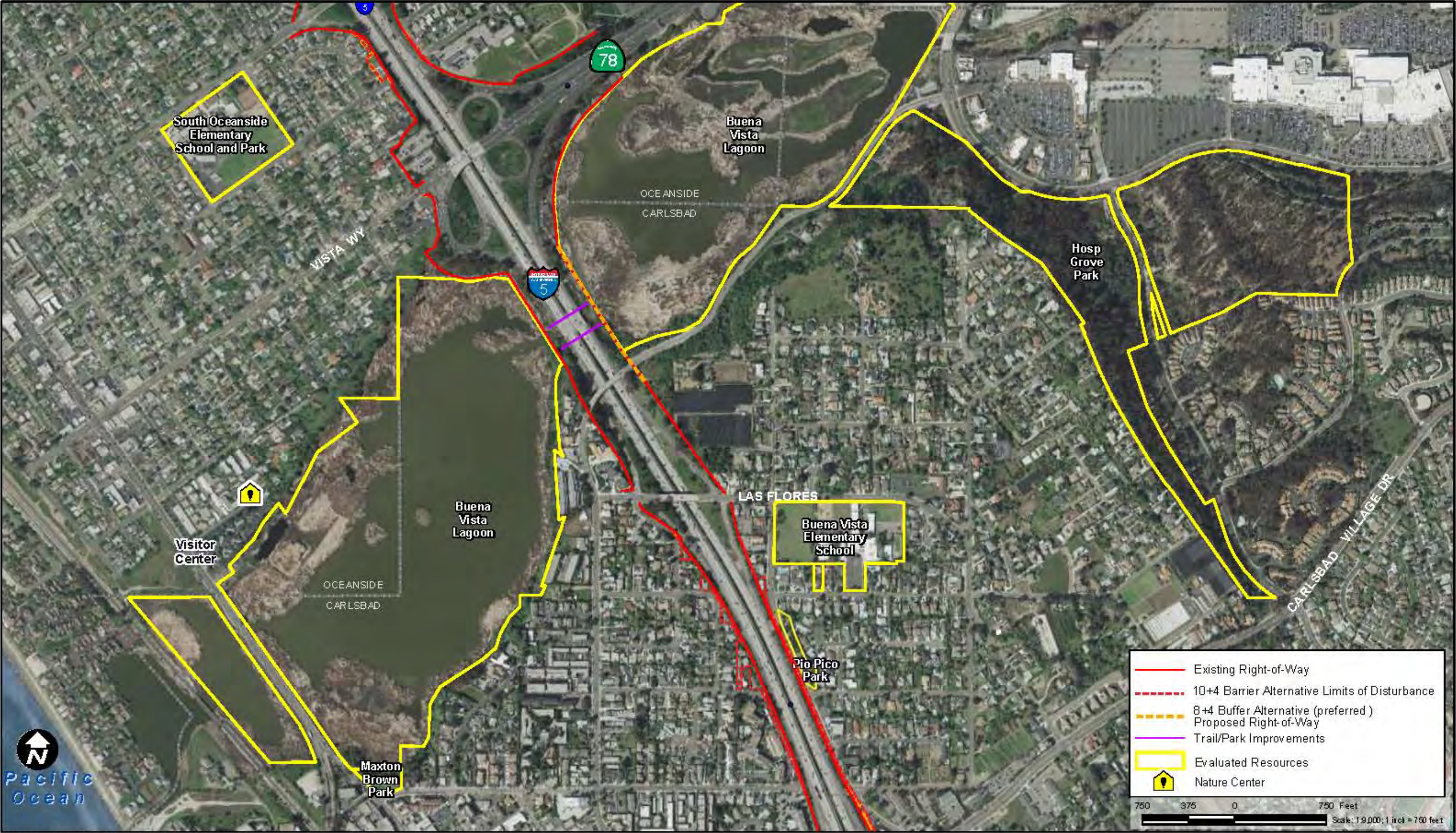


Figure 12: Buena Vista Lagoon



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resource subject to Section 4(f) protection. There would be no use of the resource property by the proposed project, and access to the school would not change as the project would not impact South Horne Street or Cassidy Street. Views of the project from the school are limited, as there is development between the school and the proposed project. This development also acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the school and park.

#### Marshall Street Swim Center and Park

Marshall Street Swim Center is an indoor public pool located approximately 0.25 mi west of I-5. It is accessible at the end of Marshall Street, off of California Street. The adjacent park has a playground and passive recreation space with open grass areas and picnic benches. Public ownership and access qualify Marshall Street Swim Center and Park as a resource subject to Section 4(f) protection. Access to the swim center and park would not change as the project would not impact Marshall Street or California Street. Views of the project from the property are limited, due to topography and development between the Swim Center/Park and the proposed project. This topography and development also acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of this property.

#### Palmquist School and Lincoln Middle School

Palmquist Elementary is a public school in the Oceanside Unified School District, located approximately 0.30 mi east of I-5. It is accessible from California Street. Adjacent to Palmquist is Lincoln Middle School, also part of the Oceanside Unified School District and accessible from California Street. The playground and sports field include eight unlighted basketball courts, seven backstops, a cinder track, four volleyball nets, playground equipment, and approximately 10 ac of grass. These facilities are open to the public on afternoons and weekends. This public access and ownership qualifies these campus facilities as resources afforded protection under Section 4(f). There would be no use of the resource by the proposed project, and access to the schools would not change as the project would not impact California Street. Views of the project from the schools are obscured by several blocks of development which also act as a barrier to any freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of these schools.

#### Ditmar Elementary School

Ditmar Elementary is a public school in the Oceanside Unified School District, located approximately 0.45 mi west of I-5, accessible from Ditmar Street off of Oceanside Boulevard. The sports fields and playground are open to the public on afternoons and weekends. This public access and ownership qualifies these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the school by the proposed project. Access to the school would not change as the project would not impact Ditmar Street or Oceanside Boulevard in this area. Views of the project from the school are obscured by a canyon and approximately 10 blocks of development, which also act as a barrier to any freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed



project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the school.

#### Center City Golf Course

The Center City Golf Course is an 18-hole municipal golf course open to the public located at 2323 Greenbrier Drive in the City of Oceanside. The golf course is also known as Goat Hill because of the hills and valleys located throughout the golf course. The golf course is located at the northeast corner of the I-5 / Oceanside Boulevard Interchange. Public ownership and access make Center City Golf Course a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project and access to the park would not change as the project would not impact Greenbrier Drive. The proposed project is visible from the park. However, views from the park toward the proposed project would not be affected since the I-5 freeway is visible in the existing condition and improvements to I-5 associated with the project would not substantially alter existing views. Noise levels at the golf course would increase from 66 dBA in the existing condition to 67 dBA with the proposed project. This one dBA increase would not be perceptible to the human ear. As such, it would not impair play at the golf course. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions.

#### Ron Ortega Recreation Park

Ron Ortega Recreation Park is a 12-ac community park, located approximately 0.02 mi east of I-5, accessible from Brooks and Maxson Streets off of Mission Avenue. The park includes two lighted baseball fields, two tot lots, a picnic area, and a snack bar that are open to the public. Public ownership and access make Ron Ortega Recreation Park a resource subject to Section 4(f) protection. There would be no use of the park by the proposed project, and access to the park would not change as the project would not impact Brooks or Maxson Streets or Mission Avenue in this area. Views of the project from the park are very limited due to grade separation and existing development between the park and proposed project. A soundwall is proposed at this location and would reduce future project noise levels to below existing levels. The wall height is 12 ft and 14 ft, while the length is 845 ft. The proposed soundwall would not affect the limited views to and from the park. If, during final design, it is found that conditions have substantially changed, noise abatement may not be necessary at some locations. The final decision of the noise abatement would be made upon completion of the project design and the public involvement processes. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park.

#### Oceanside High School

Oceanside High School is a public high school in the Oceanside Unified School District, located approximately 0.03 mi west of I-5, with fields parallel to southbound I-5. It is accessible from Mission Avenue, and from South Horne Street off of Mission Avenue. Facilities at the high school include eight outdoor basketball courts, and a lighted football field and track. These facilities are open to the public on afternoons and weekends. This public access and ownership qualify these campus facilities as a resource afforded protection under Section 4(f). There is no direct use of the school property by the proposed project. The school access off Mission Avenue would be modified slightly as a result of the proposed improvements to the I-5 / Mission Avenue Interchange, but these modifications would not eliminate any existing turn movements into and out of the school, and pedestrian accessibility would be improved. Measurements



taken at the school's athletic fields, which is a Category B activity, exceed the 67 dBA recommended noise level under the NAC as existing noise levels range between 69 and 75 dBA. The project is predicted to increase noise levels at this location by approximately one to two dBA (refer to EIR/EIS Section 3.15). However, increases in noise less than three dBA are generally not perceptible by the human ear. A new noise barrier is recommended, to reduce noise levels to between 67 and 70 dBA. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the school.

#### Joe Balderrama Park and Recreation Center

The Joe Balderrama Park and Recreation Center is a 3-ac complex located approximately 0.15 mi east of I-5. It is accessible from San Diego Street off of Mission Avenue. The park includes one lighted basketball court, two lighted tennis courts, two handball courts, two tot lots, an indoor recreation area, and picnic areas. Additionally, the Cesar Chavez Resource Center is located on-site, which is a 12,000-sq-ft facility with multipurpose meeting rooms. Both the park and center are open to the public. Public ownership and access qualify the Joe Balderrama Park and Recreation Center a resource as subject to Section 4(f) protection. There would be no use of the resource by the proposed project, and access to the park and center would not change as the project would not impact San Diego Street or Mission Avenue in this area. Views of the proposed project would be obscured by several blocks of residential and commercial development, which act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of these facilities.

#### San Luis Rey Trail

The trail is a 7.2 mile long Class I bicycle trail open to pedestrians. The trail extends from the Neptune access (west end) to the eastern-most point on the College Bridge and follows the path of the San Luis Rey River. This multi-use trail may be used for recreational purposes by other non-motorized users such as hikers, runners, and roller-bladers. The west end of the trail is within a few blocks of the Oceanside Transit Center where commuters can board the Coaster, Amtrak and Metrolink trains or North County Transit District buses, all of which can accommodate bicycles. A proposed parking area, trailhead staging area, and other support amenities for the existing bike path would be located on east side of I-5 / SR-76 interchange within Caltrans right-of-way, and improved as part of the project Community Enhancements. Improvements would also include southern willow scrub and coastal sage scrub restoration. There would be no permanent use of the resource by the proposed project, and access to the trail would be improved. Views of the proposed project from the trail would be limited to the extreme western end in Oceanside. Vegetation, wildlife, air quality, and water quality would remain similar to the existing environment. Therefore, the proposed Community Enhancement is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the trail, but would rather provide beneficial benefit.

#### Capistrano Park

Capistrano Park is a 14-ac community park located approximately 0.21 mi east of I-5 and accessible from Capistrano Drive. The park includes one lighted baseball field, one unlighted baseball field, two lighted tennis courts, one unlighted basketball court, one tot lot, and picnic tables. Public ownership and access qualify Capistrano Park a resource subject to Section 4(f)



protection. There would be no use of the resource by the proposed project, and access to the park would not change as the project would not impact Capistrano Drive. Views of the proposed project from the park are limited by topography and several blocks of development, which also act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing environment. Therefore, the proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park.

## CHAPTER 4.0 – SECTION 4(f) RESOURCES PROPOSED FOR *DE MINIMIS* FINDING

Section 6009(a) of SAFETEA-LU amended Section 4(f) legislation at 23 USC 138 and 49 USC 303 to simplify the processing and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). This revision provides that once the USDOT determines that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on that property, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete. FHWA's final rule on Section 4(f) *de minimis* findings is codified in 23 CFR 774.3 and CFR 774.17.

This chapter identifies uses of Section 4(f) land that would have a “no adverse effect” on protected resources and would be considered *de minimis*. Such *de minimis* impacts on publicly owned parks; recreational areas of national, State or local significance; wildlife or waterfowl refuges; or lands from an historic site of national, State or local significance are defined as those that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). When FHWA proposes to make a *de minimis* impact finding, it must provide an opportunity for public comment on the proposed finding; this was included in the public comment period for the *I-5 NCC Project* Draft EIR/EIS. In addition, the official(s) with jurisdiction over the Section 4(f) resource in question must: a) with regard to historic properties, concur, in writing, with FHWA's proposed finding of ‘no adverse effect’ or ‘no historic properties affected’ in accordance with 36 CFR part 800; or b) in the case of parks, recreation areas, and wildlife and waterfowl refuges, concur in writing that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection (23 CFR § 774.5[b]). To comply with Section 6009(a), FHWA and Caltrans coordinated with the SHPO, who has jurisdiction over the two historic Built Environment 4(f) resources, and informed them that the proposed project's use of the 4(f) resource is being considered for a *de minimis* finding. These two historic properties would not be adversely affected.

The following discussion examines instances where the *I-5 NCC Project* would use a portion of resources eligible for protection under Section 4(f), including two park properties and one historic resource. In each instance the amount of land to be used at each resource is quantified. In instances where different build alternatives would result in differing levels of use of the Section 4(f) property, these differences are quantified. The extent to which the proposed project would adversely affect activities, features, or attributes of the Section 4(f) resource is examined using the 8+4 Buffer alternative first, since it is the Preferred Alternative. Letters from the agencies with jurisdiction are included in Appendix A1.

### 4.1 SAN ELIJO LAGOON ECOLOGICAL RESERVE

The San Elijo Lagoon Ecological Reserve is located between the Cities of Encinitas and Solana Beach and extends inland to the community of Rancho Santa Fe (Figure 13). The Reserve is bordered by the Pacific Ocean to the west, and a mix of residential and undeveloped land to the east, north, and south. The entire Reserve is approximately 1,000 ac in size. It is primarily a shallow-water estuary fed by a 77-square-mi watershed with two main tributaries, Escondido

Creek and Orilla Creek, and is divided into basins by Highway 101, the railway, and I-5. It contains a diverse habitat with six plant communities including coastal strand, salt marsh, freshwater marsh, riparian scrub, coastal sage scrub, and mixed chaparral. The habitat supports a variety of plant and wildlife species.

The Reserve is owned by the CDFW to the west of I-5 and by the County of San Diego to the east of I-5. The County of San Diego and CDFW have an agreement to operate both the eastern and western basins of San Elijo Lagoon as a State Ecological Reserve under the administration of the County of San Diego Department of Parks and Recreation. The boundary of the Reserve is contiguous with Caltrans right-of-way where I-5 bisects the two basins. The Reserve includes over five mi of hiking trails open to the public (see Figure 13). These trails can be reached from the north end of Rios Avenue, Santa Carina Drive, and Santa Helena Drive on the south side of the lagoon in Solana Beach, and along El Camino Real at Orilla Creek in the community of Rancho Santa Fe at the east end. The trailheads in Solana Beach lead to hiking trails, and the trailhead at Orilla Creek is a joint hiking/equestrian facility.

The joint trail system is restricted to the East Basin as the riprap slope protection under the I-5 bridge at Manchester Avenue prevents equestrian passage into the West Basin. A Nature Center, located at 2710 Manchester Avenue in Encinitas on the northwest side of the Reserve, provides County ranger offices, a parking lot, restrooms, drinking water, and a one-mi loop trail.

Visitor usage of the Reserve is estimated between 55,000 to 65,000 visitor use days per year (entry onto the Reserve is equal to one visitor use day). Visitors are primarily residents of the surrounding neighborhoods and jogging is popular along the southern trails. School field trips are held at the Nature Center. The park's status as a publicly owned ecological Reserve and recreation area qualifies the Reserve as a resource subject to protection under Section 4(f).

#### 4.1.1 Impacts

Table 4 shows the area of approximate use for the Reserve that would be required for each alternative.

**Table 4: Area of 4(f) Use for the San Elijo Lagoon Ecological Reserve by Alternative**

<b>San Elijo Lagoon Ecological Reserve Total Area</b>	<b>10+4 Barrier Alternative</b>	<b>10+4 Buffer Alternative</b>	<b>8+4 Barrier Alternative</b>	<b>8+4 Buffer Alternative (Preferred Alternative)</b>
1000 ac	1.05ac	0.92ac	0.98 ac	0.79 ac

#### **8+4 Buffer Alternative (Preferred Alternative)**

##### Area of Land to Be Used

Implementation of the refined 8+4 Buffer alternative would require the use of approximately 0.79 ac of publicly owned land along the I-5 bridge abutments (including 0.56 ac for temporary construction), which is about 0.079 percent of the total Reserve area (Table 4). Approximately 0.61 ac of this use would occur on property owned by the County of San Diego, while the remaining 0.18 ac would occur on property owned by the CDFW. The area of Reserve land

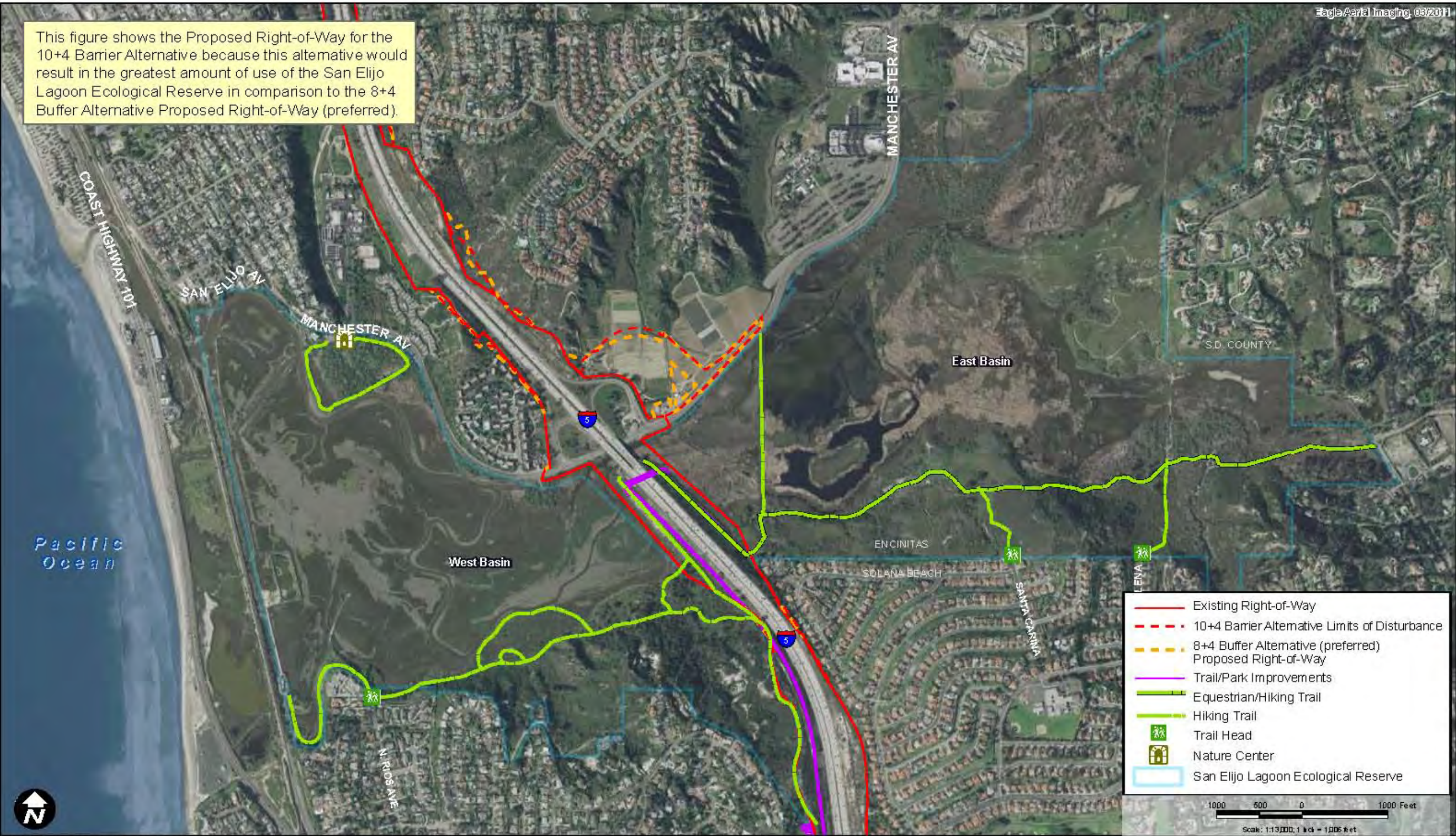


Figure 13: San Elijo Lagoon Ecological Reserve



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proposed for use by the refined 8+4 Buffer alternative is considerably smaller than the 10+4 Barrier alternative (described below) due to the change in super-elevations of the roadway which extends the toe of slope due to grading at this location (Figure 14). This minor use and replacement of the trail and maintenance access would not impact any of the other trails or other activity areas that are officially designated as a part of the Reserve or the Nature Center. Additionally, this undeveloped land does not possess any unique features or perform any vital functions that if lost would affect the Reserve ability to function as a 4(f) resource. The use of this land would be for the slope, NC Bike Trail, shoulder, concrete barrier, and retaining wall. Cross sections of these elements are located on Figure 15 and illustrated in detail on Figures 16, 17, and 18.

#### Access

The Preferred Alternative would not affect any existing means of gaining access to the Reserve. It would not impact any of the existing trailheads, which are well removed from the freeway corridor. Project construction would result in the installation of falsework that would temporarily block an area connecting the East Basin and West Basin, located under the I-5 bridge. This connection weaves through the riprap underneath the south end of the existing freeway bridge. The area is not included in Reserve trail maps and is not a permitted use of Caltrans right-of-way.

#### Visual Quality

Use associated with the Preferred Alternative would not affect the visual quality of the Reserve. The area proposed for use by the project is located in the southeastern portion of the West Basin where the Reserve borders the existing I-5 Caltrans right-of-way. The area currently consists of undeveloped land located at the base of the berm, constructed as a part of the original freeway development, and a hill that sits above I-5. The minor use would simply extend the Caltrans' right-of-way boundary outward slightly and ultimately result in a view of the area adjacent to I-5 very similar to the existing condition.

Implementation of the Preferred Alternative would not substantially alter the visual quality of the area because the proposed project entails widening the existing freeway. The scenic quality of the Reserve would not be affected because it is bisected by I-5 in the existing condition. The Preferred Alternative would not affect the dominant scenic elements of the 4(f) resource, which are the marsh areas and wide open scenic views, when compared to the views already created by the existing I-5 freeway.

#### Noise

Existing noise levels in the Reserve range from 60 dBA to 67 dBA. Modeling of future noise conditions indicated that the Reserve would experience a minimal (i.e., one dBA) increase in traffic-related noise. This one dBA increase would be imperceptible to park users.

#### Vegetation

The Reserve land used by the Preferred Alternative is located in the southeastern portion of the West Basin where the Reserve borders the existing I-5 Caltrans' right-of-way (Figure 13). It currently consists of undeveloped land located at the base of the berm constructed as a part of the original freeway development. About 0.13 ac of vegetation in this area consists of disturbed coastal sage scrub, and several eucalyptus trees. Disturbed coastal sage scrub modified by the proposed project would be mitigated with a 1:1 ratio via habitat restoration/creation ratios agreed upon by the resource agencies as a part of the overall mitigation plan for the proposed project.



### Wildlife

No sensitive wildlife species have been detected on the small quantity of Reserve land immediately adjacent to the *I-5 NCC Project*. Implementation of the Preferred Alternative would result in a noise increase of one dBA, and would not substantially increase the potential for noise to impact sensitive species. Therefore, this increase in noise would not substantially impair the Reserve's ability to function as wildlife habitat.

### **10+4 Barrier Alternative**

This alternative would be larger, but would have impacts similar to the refined 8+4 Buffer alternative (Preferred Alternative) with the differences described below.

#### Area of Land to Be Used

Implementation of the 10+4 Barrier alternative would require use of approximately 1.05 ac of Reserve land on the west side of I-5 at San Elijo Lagoon (including 0.56 ac for temporary construction), which is about 0.11 percent of the total Reserve area (Table 4). Approximately 0.73 ac of this use would occur on property owned by the County of San Diego, while the remaining 0.32 ac would occur on property owned by the CDFW. The area proposed for permanent use associated with the 10+4 Barrier alternative represents the greatest area of use among the four alternatives (Figure 14). Similar to the Preferred Alternative, this minor use would not impact any of the trails or other activity areas that are officially designated as a part of the Reserve or the Nature Center. Additionally, this undeveloped land does not possess any unique features or perform any vital functions that if lost would affect the Reserve ability to function as a 4(f) resource. The use of this land would be for the slope, NC Bike Trail, shoulder, concrete barrier, and retaining wall.

### **10+4 Buffer Alternative**

This alternative would have impacts similar to the refined 8+4 Buffer alternative (Preferred Alternative) with the differences described below.

#### Area of Land to Be Used

Implementation of the 10+4 Buffer alternative would require the use of 0.92 ac of Reserve land along the I-5 bridge abutments (including 0.56 ac for temporary construction), which is about 0.092 percent of the total Reserve area (Table 4). Approximately 0.64 ac of this use would occur on property owned by the County of San Diego, while the remaining would consist of 0.28 ac of property owned by the CDFW. The area of Reserve land proposed for use by the 10+4 Buffer alternative is larger than for the 8+4 Buffer and smaller than the 10+4 Barrier alternative. In all other respects its potential effects upon the Reserve as a 4(f) resource are as described above.

### **8+4 Barrier Alternative**

This alternative would have impacts similar to the refined 8+4 Buffer alternative (Preferred Alternative) with the differences described below.



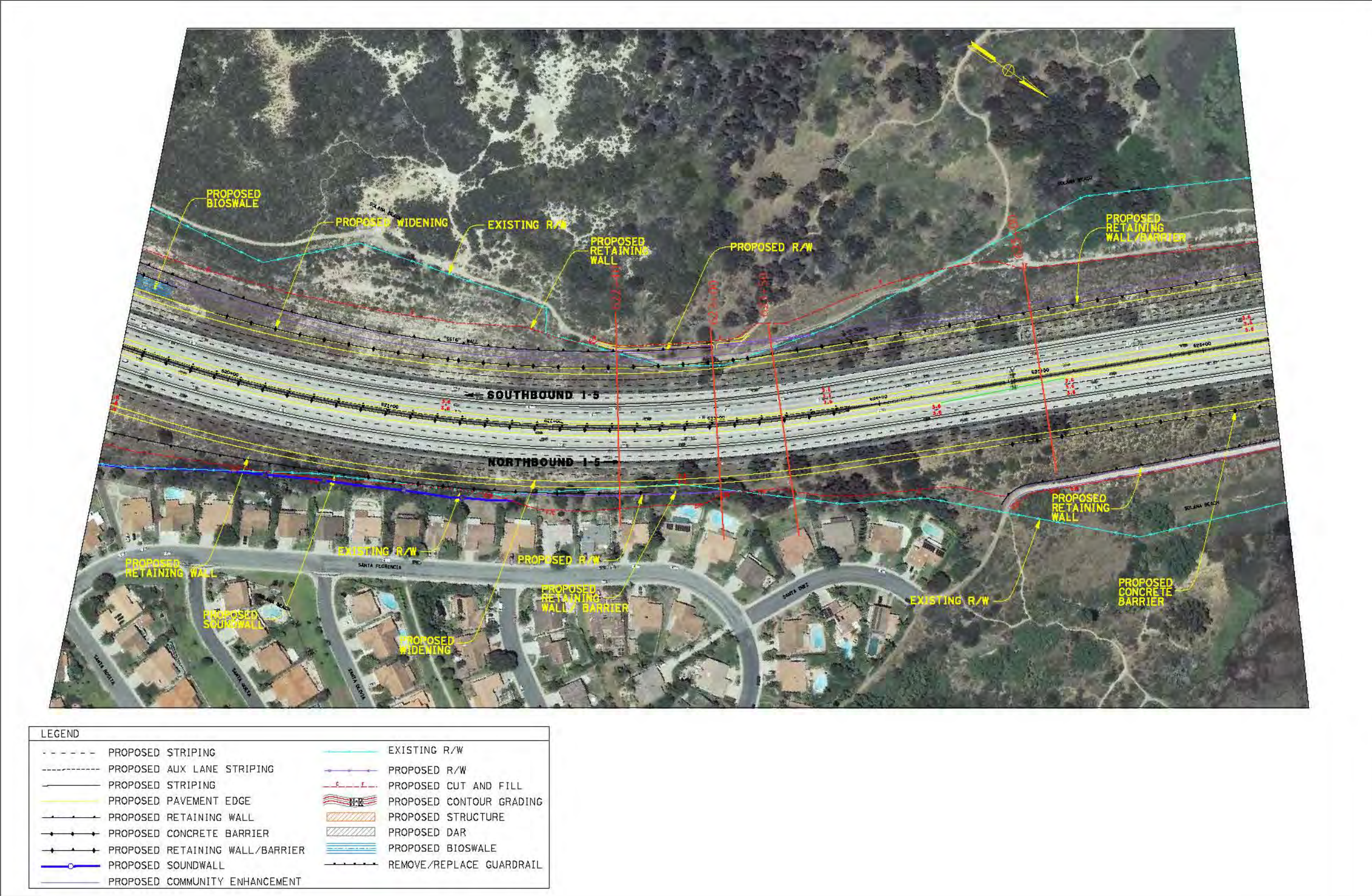


Figure 15: Preferred Alternative Cross Section Locations at San Elijo Lagoon Ecological Reserve

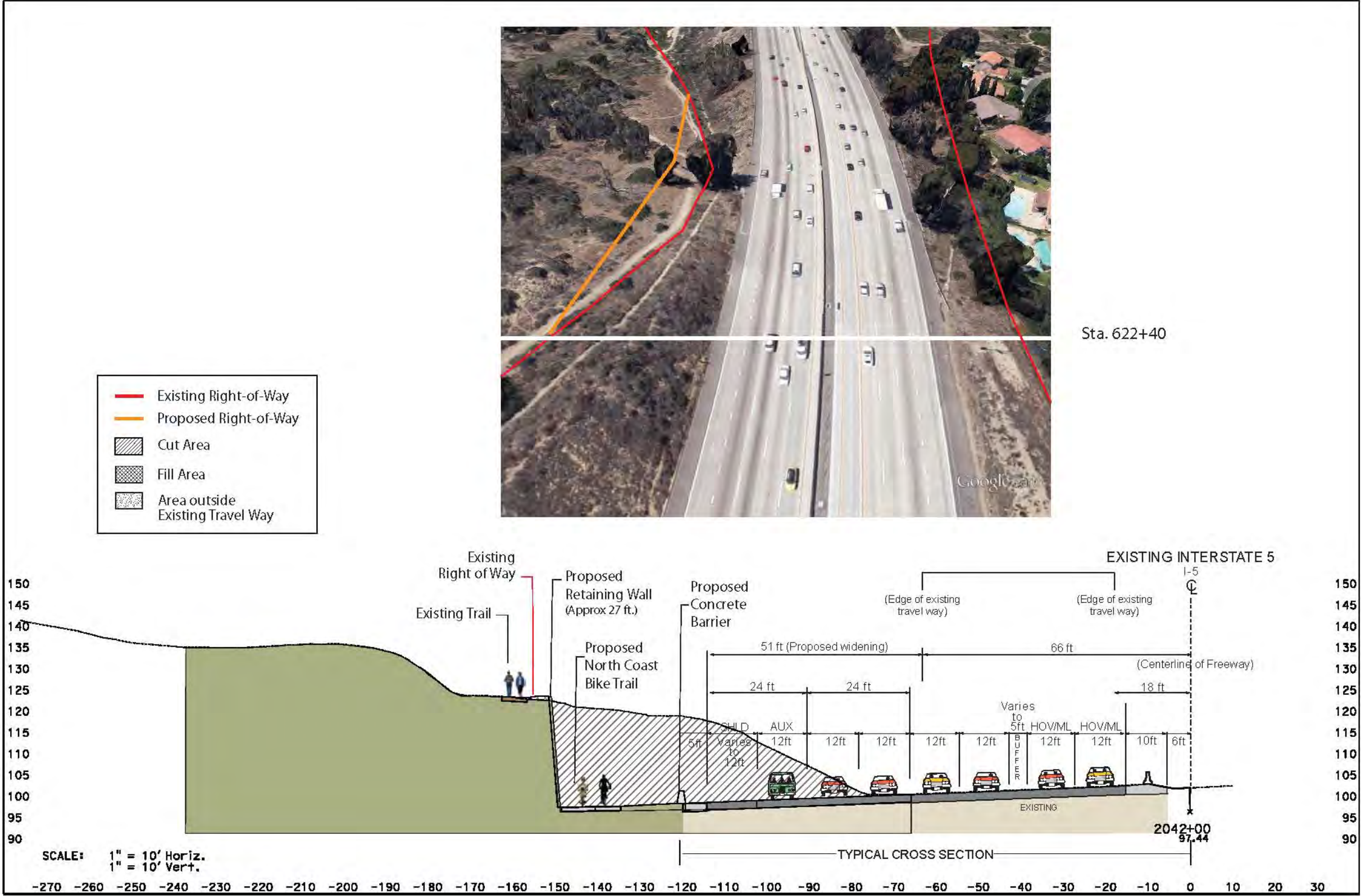


Figure 16: Preferred Alternative Cross Section at Sta. 622 + 40

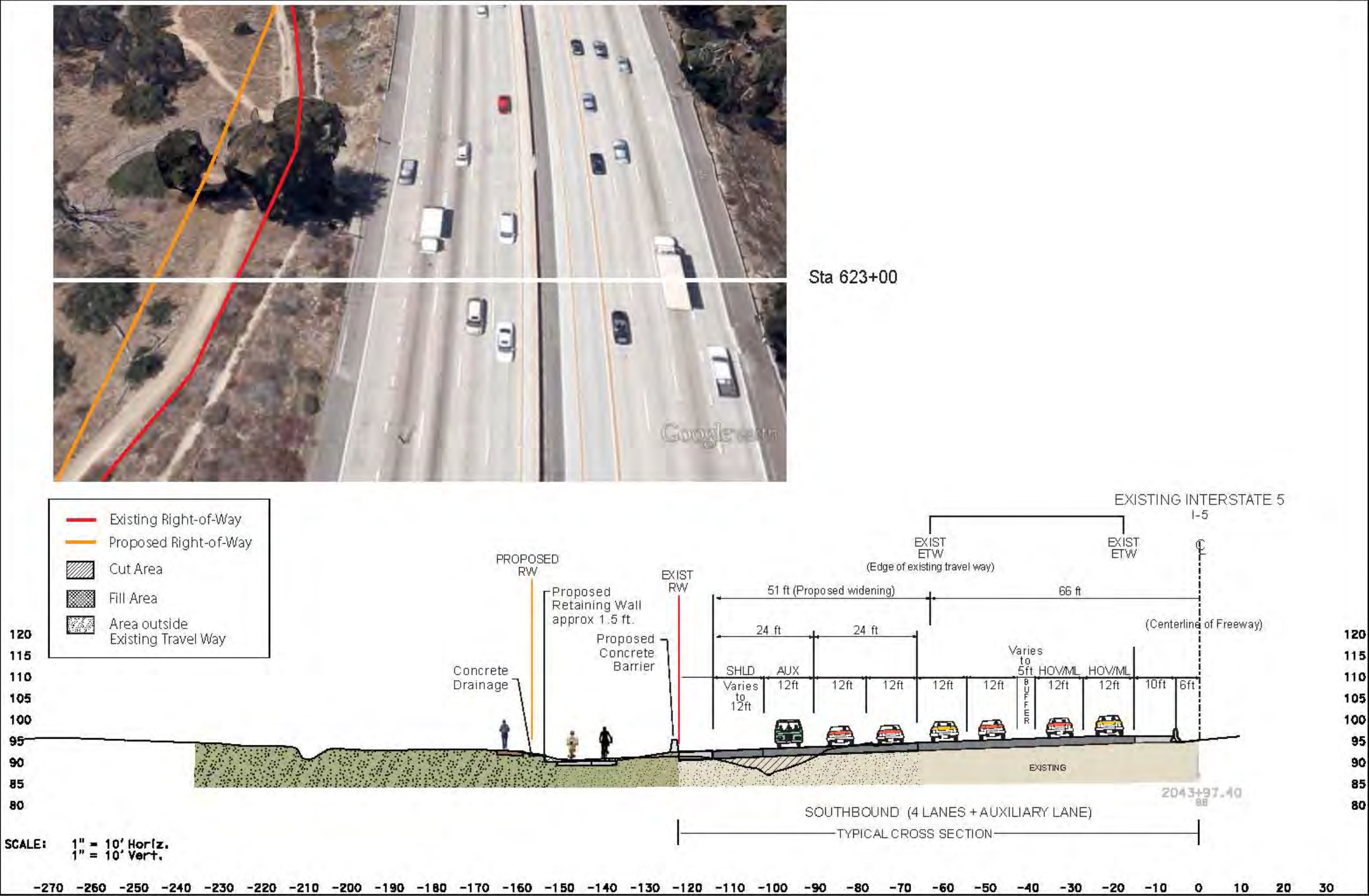


Figure 17: Preferred Alternative Cross Section at Sta. 623 + 00

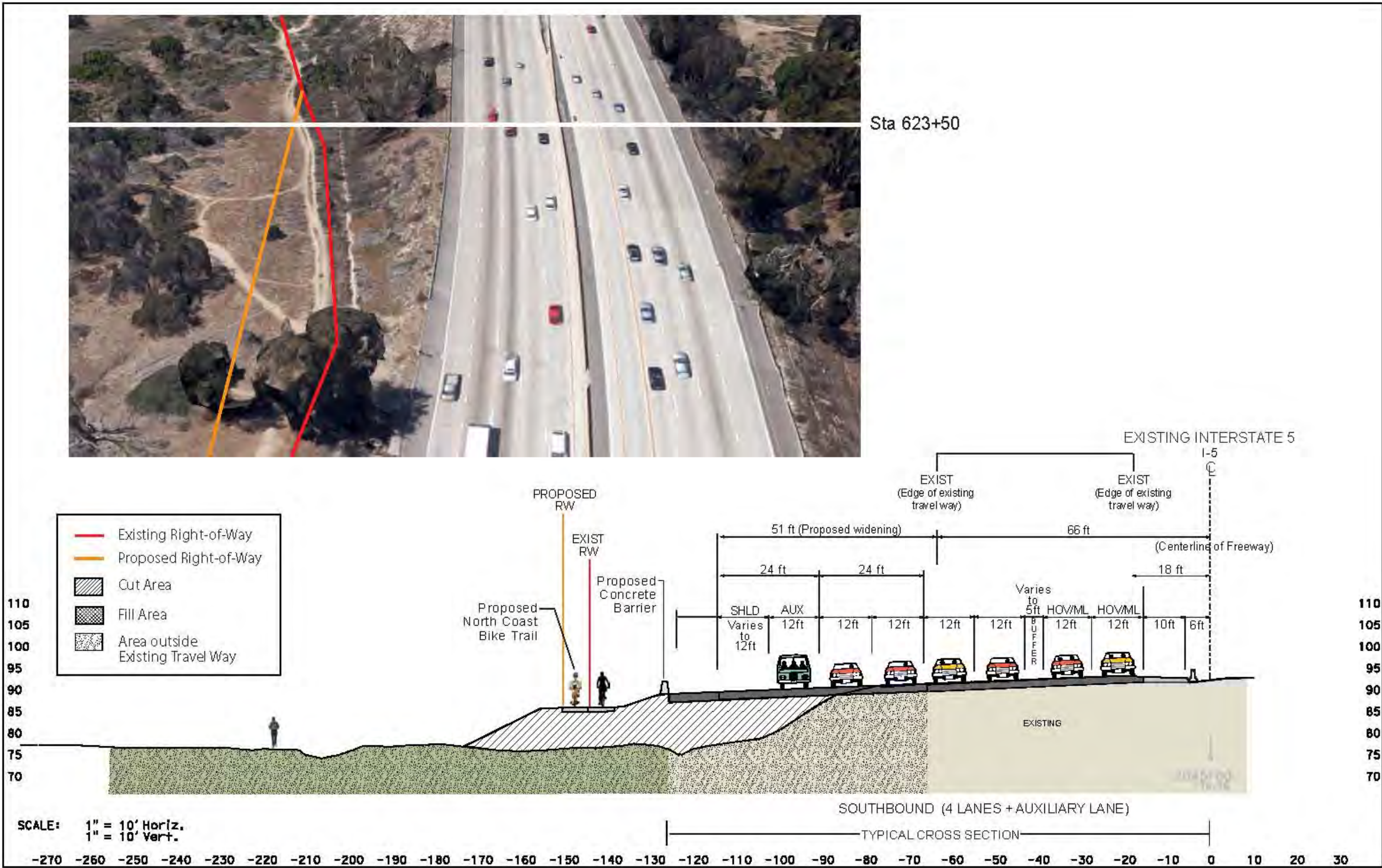


Figure 18: Preferred Alternative Cross Section at Sta. 623 + 50



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#### Area of Land to Be Used

Implementation of the 8+4 Barrier alternative would require the use of approximately 0.98 ac of publicly owned land along the I-5 bridge abutments (including 0.56 ac for temporary construction), which is about 0.098 percent of the total Reserve area (Table 4). Approximately 0.66 ac of this use would occur on property owned by the County of San Diego, while the remaining 0.32 ac would occur on property owned by the CDFW. The area of Reserve land proposed for use by the 8+4 Barrier alternative is 0.2 ac larger than for the 8+4 Buffer alternative. In all other respects its potential effects upon the Reserve as a 4(f) resource are as described above.

#### **4.1.2 No Build Alternative**

Implementation of the No Build alternative would not require a use of any portion of the Reserve.

#### **4.1.3 Measures to Minimize Harm**

The proposed project has been designed in coordination with the City of Encinitas, as well as State and federal resource agencies to minimize impacts, where possible, by reducing the amount of right-of-way and limiting the grading footprint to minimize impacts to natural resources. After project implementation, access to the Reserve would be enhanced by proposed trailhead improvements and the improvement of a designated trail, permitted as a secondary use within the Caltrans right-of-way, connecting the West and East basins (refer to Chapter 2). Disturbed coastal sage scrub vegetation impacted by the proposed project would be mitigated via habitat restoration/creation ratios agreed upon by the resource agencies as a part of the overall mitigation plan for the proposed project.

#### **4.1.4 De Minimis Finding**

Under any I-5 NCC Project alternative, the quantity of Reserve land proposed for use is extremely small. Access to existing trailheads and designated trails would be unaffected, and after project implementation would be enhanced. The visual character of the Reserve would not be measurably altered by the freeway widening. The very small quantity of vegetation removed would be mitigated. Increases in traffic-related noise would not be noticeable to park users and would not impair the wildlife habitat functions of the Reserve. It is expected that any build alternative use of up to 0.23 ac of Reserve land would not adversely affect any of the activities, features, or attributes of the Reserve that qualify the resource for protection under Section 4(f) and is *de minimis*.

#### **4.1.5 Coordination**

Multiple meetings have been held with San Elijo Lagoon stakeholders, including a briefing with the San Elijo Lagoon Conservancy executive director on January 13, 2012; a meeting with CDFW, County of San Diego Department of Parks and Recreation, and the San Elijo Lagoon Conservancy to discuss 4(f) concurrence on April 3, 2013; and a meeting with the County of San Diego Department of Parks and Recreation to discuss 4(f) concurrence on August 1, 2013. Concurrence in a Section 4(f) *de minimis* finding was received from the CDFW on August 30, 2013, from the County of San Diego on September 10, 2013, and from the San Elijo Lagoon

Conservancy on August 12, 2013. Concurrence letters from agencies with jurisdiction are located in Appendix A.

## 4.2 AGUA HEDIONDA LAGOON

Agua Hedionda Lagoon, located in Carlsbad, is an approximately 400-ac, man-made water body that was constructed in 1954. Agua Hedionda Lagoon, as shown in Figure 19, is surrounded by the Pacific Ocean to the west, undeveloped land to the east, the Encina Power Plant to the south, and residential development to the north. Agua Hedionda Lagoon is connected to the Pacific Ocean through an inlet channel and to Agua Hedionda Creek and its tributaries in the inner lagoon.

Agua Hedionda Lagoon is owned by Cabrillo Power II, a privately owned corporation, who leases the lagoon to the City of Carlsbad to manage recreational and commercial uses. This long-term lease began in 1957, and is to be renewed every 10 years. This agreement turns over operation of the lagoon to the City of Carlsbad, which makes the resource subject to Section 4(f) protection. The City of Carlsbad allows boating and water skiing on the lagoon and the YMCA operates a canoeing center. A white seabass research facility, jointly managed by Hubbs/Seaworld and CDFW, is located at the lagoon, as is a commercial mussel-growing facility. These recreational, research, and commercial activities would not be impacted during construction of the proposed project.

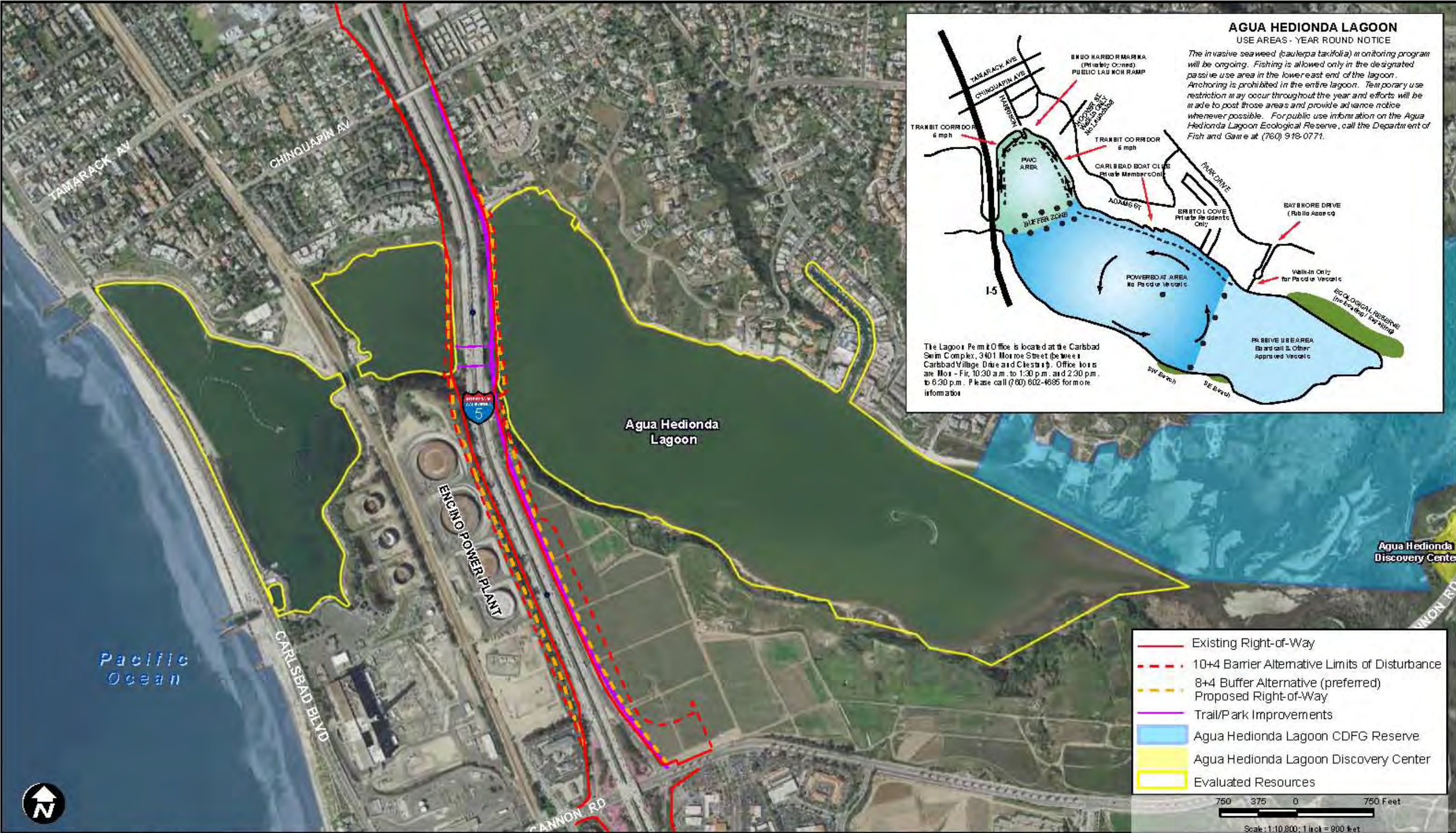
CDFW manages a 186-ac Ecological Reserve consisting of wetlands located at the eastern end of the lagoon (see Figure 19). This ecological Reserve is owned by the CDFW and therefore represents a resource subject to Section 4(f) protection. However, this ecological Reserve is located approximately 3000 ft east of the proposed project. Implementation of the proposed project would not require use of any land within the Agua Hedionda Lagoon CDFW Reserve.

### 4.2.1 Impacts

Table 5 shows the area of approximate use for Agua Hedionda Lagoon that would be required for each alternative.

**Table 5: Area of 4(f) Use for Agua Hedionda Lagoon by Alternative**

Agua Hedionda Lagoon Total Area	10+4 Barrier Alternative	10+4 Buffer Alternative	8+4 Barrier Alternative	8+4 Buffer Alternative (Preferred Alternative)
400 ac	3.54 ac	2.00 ac	2.63 ac	1.59 ac



This map includes geographic information from Caltrans GIS, SanGIS and SAN DAD. The imagery was taken by Eagle Aerial Imaging 03/2011. Figure revised 9/18/2013

Figure 19: Agua Hedionda Lagoon



Figure 20: Potential Impacts to Agua Hedionda Lagoon

## **8+4 Buffer Alternative (Preferred Alternative)**

### Area of Land to Be Used

Implementation of the 8+4 Buffer alternative would require use of approximately 1.59 ac of open water and undeveloped land leased to the City of Carlsbad (Figure 20), which is approximately 0.39 percent of the total area of the 400-ac Agua Hedionda Lagoon (Table 5). This includes the 0.02 ac area required for temporary construction. These minor land uses would not permanently affect any recreation activities at the lagoon, as described below.

### Facilities, Functions, and/or Activities Affected

Recreation activities at Agua Hedionda Lagoon include boating, water skiing, and canoeing. Minor uses of open water and undeveloped land associated with the Preferred Alternative would occur at the lagoon's boundary with I-5 and would not affect any of these recreation activities at the lagoon. These uses would also not affect the 186-ac CDFW Ecological Reserve, which is located approximately 3,000 ft east of the proposed project.

### Access

Public access to Agua Hedionda Lagoon is provided at Harrison Street and Bayshore Drive. Additional private access points are provided at the Carlsbad Boat Club and Bristol Cove. Implementation of the Preferred Alternative would not affect any of these access points.

### Visual Quality

Land used by the Preferred Alternative would not affect the visual quality of Agua Hedionda Lagoon. The areas where land along the edge of I-5 would be used currently consist of open water and undeveloped land at the lagoon's boundary with I-5. The use of small amounts of City leasehold land would simply extend the Caltrans right-of-way boundary outward slightly and ultimately result in a view of the area adjacent to I-5 very similar to the existing condition.

### Noise

Existing traffic noise levels adjacent to the freeway are approximately 68 to 70 dBA. Future noise levels at the Lagoon are projected to increase approximately two dBA over a majority of the Lagoon. This two dBA increase would not be perceptible to the human ear (a three dBA increase is barely perceptible to the human ear).

### Vegetation

Land used by the Preferred Alternative is located where Agua Hedionda Lagoon borders the existing I-5 Caltrans right-of-way and currently consists of open water and undeveloped land. Vegetation in this area consists of eel grass at 0.10 ac, and 4.84 ac disturbed coastal sage scrub, coastal sage scrub, non-native woodland, ornamental, and disturbed habitat. Vegetation to be modified by the proposed project would be mitigated with at least a 1.2:1 ratio for eel grass, 1:1 ratio for disturbed coastal sage scrub, and 2:1 ratio for coastal sage scrub and sensitive upland habitats via habitat restoration/creation ratios agreed upon by the resource agencies as part of the overall mitigation plan for the proposed project.

### Wildlife

The majority of Agua Hedionda Lagoon, including the area that would be used by the Preferred Alternative, is managed by the City as a recreation area and does not serve as an ecological reserve or any other type of wildlife preserve. No special status bird species were observed within the I-5 study area around Agua Hedionda Lagoon. The only portion of the lagoon

reserved for wildlife is the 186-ac CDFW Ecological Reserve in the eastern portion of the lagoon. Land use associated with the Preferred Alternative would not affect the CDFW Ecological Reserve. Additionally, the increase in traffic noise levels that would result with the proposed project would not substantially increase the potential for noise to impact sensitive species.

### **10+4 Barrier Alternative**

This alternative would have impacts similar to the refined 8+4 Buffer alternative (Preferred Alternative) with the differences described below.

#### Area of Land to Be Used

Implementation of the 10+4 Barrier alternative would require use of approximately 3.54 ac of open water and undeveloped land leased to the City of Carlsbad, which is approximately 0.89 percent of the total area of the Agua Hedionda Lagoon (Table 5; Figure 20). Similar to the Preferred Alternative, these minor land uses would not permanently affect any recreation activities at the lagoon. In all other respects, the impacts of this alternative would be identical to those discussed above.

### **10+4 Buffer Alternative**

This alternative would have impacts similar to the refined 8+4 Buffer alternative (Preferred Alternative) with the differences described below.

#### Area of Land to Be Used

Implementation of the 10+4 Buffer alternative would require use of approximately 2.00 ac of open water and undeveloped land leased to the City of Carlsbad, which is approximately 0.50 percent of the total area of Agua Hedionda Lagoon (Table 5). Similar to the Preferred Alternative, these minor land uses would not permanently affect any recreation activities at the lagoon. In all other respects, the impacts of this alternative would be identical to those discussed above.

### **8+4 Barrier Alternative**

This alternative would have impacts similar to the refined 8+4 Buffer alternative (Preferred Alternative) with the differences described below.

#### Area of Land to Be Used

Implementation of the 8+4 Barrier alternative would require use of approximately 2.63 ac of open water and undeveloped land leased to the City of Carlsbad, which is approximately 0.66 percent of the total area of Agua Hedionda Lagoon (Table 5). Similar to the Preferred Alternative, these minor land uses would not permanently affect any recreation activities at the lagoon. In all other respects, the impacts of this alternative would be identical to those discussed above.

### **4.2.2 No Build Alternative**

The No Build alternative would not require a use of any portion of Agua Hedionda Lagoon.



#### **4.2.3 Measures to Minimize Harm**

The proposed project has been designed in coordination with both State and federal resource agencies through the NEPA/404 Integration Process to minimize impacts, where possible, by reducing the amount of right-of-way and limiting the grading footprint to minimize impacts to natural resources. Coastal sage scrub and disturbed coastal sage scrub to be impacted by the proposed project would be mitigated via habitat restoration/creation at ratios agreed upon by the resource agencies as a part of the overall mitigation plan for the proposed project.

#### **4.2.4 De Minimis Finding**

Implementation of the proposed project would not impede the ability of the lagoon to support boating, water skiing, and canoeing recreation. Nor would it affect the 186-ac CDFW Ecological Reserve. Public and private access to the lagoon would not be affected. The proposed project would not interfere with existing trails, or planned trails. The visual character of the lagoon would be unchanged; the use and use of small amounts of City leasehold land would simply extend the Caltrans right-of-way boundary outward slightly and ultimately result in a view of the area adjacent to I-5 very similar to the existing condition. Increases in noise levels would not be noticeable to lagoon users. Areas of natural vegetation disturbed through construction would be restored with native plant species. Wildlife, air quality, and water quality would remain similar to the existing conditions. In fact for water quality, there is a benefit by increasing for the maximum tidal range at 8.38 feet and maximum phase lag at 80.1 minutes.

#### **4.2.5 Coordination**

It is expected that any build alternative use of the lagoon, especially use of approximately 1.6 ac that would occur for the refined 8+4 Buffer alternative (Preferred Alternative), would not adversely affect any of the activities, features, or attributes of the publicly owned open regional open space park that qualify the resource for protection under Section 4(f), and is *de minimis*. Concurrence in a Section 4(f) *de minimis* finding was received from the City of Carlsbad on May 6, 2013.

### **4.3 HISTORIC PROPERTIES**

Several Historic Property Survey Reports (HPSRs) and Finding of Effects (2007 and 2013 FOE) were prepared by Caltrans to evaluate the potential for a Section 4(f) use of historic resources. The HPSRs were based on archaeological and architectural surveys conducted to identify properties within the project area that may be eligible for listing in the National Register of Historic Places (National Register), in compliance with Section 106 of the National Historic Preservation Act, CEQA, and Section 5024 of the California Public Resources Code. The FOEs discussed the project's effect on those eligible resources in compliance with these same laws and determined if and/or what type of 4(f) use would occur.

One National Register site, 767 Orpheus Avenue, is being impacted by the project and is a sliver take. This resulted in a No Adverse Effect.



The 2013 FOE identifies one historic property (one architectural resource with contributing landscape features) that is eligible for listing in the National Register. This property is discussed below, because there remains a use that triggered Section 4(f). A second property identified in the 2007 FOE is not proposed for use, because the abatement for the sensitive receptor is no longer a recommended soundwall constructed by the proposed project.

#### **4.3.1 Impacts**

All of the build alternatives are included in the discussion below because almost the same area of use for this property would be required for all the build alternatives.

##### **Land Use**

Implementation of the proposed project would require the use of an historic property with one architectural resource with contributing landscape features eligible for listing in the National Register (refer to *Section 3.8* of the Final EIR/EIS for more specific information regarding this property). The property's eligibility for listing in the National Register qualifies this resource as subject to protection under Section 4(f). The architectural resource meets National Register Criterion C at the local level of significance as distinctive examples of its style and period, and as one of the most architecturally distinguished residences in Encinitas. The residence's property boundaries coincide with the current parcel boundaries, and contributing features include the house, garage, and the row of palm trees at the west end of the front yard.

Implementation of the proposed project would have no adverse effect on the qualities of the property that make it eligible for listing in the National Register. The use of the property would result from a partial take that would result in the loss of some vegetation/landscaping and outbuildings at the east end of the parcel. It would not affect any of the qualities that make the property eligible, as no contributing buildings, landscaping, or other contributing features would be impacted. This type of effect is called a No Adverse Effect, because the qualities that make the resource eligible would not be adversely affected. Almost the same area of use for this property would be required for all the build alternatives.

Caltrans notified FHWA and SHPO that the project's "Effects" for this property was "Not Adverse" due to minimal impacts that would not affect those qualities that contribute to the property's eligibility. On March 17, 2008, SHPO stated that the treatment of this historic property in the FOE was reasonable (see Final EIR/EIS *Figure 5-5.6*).

In a letter addressed to FHWA dated July 1, 2013, Caltrans requested FHWA's review and concurrence with the Finding of No Adverse Effect and properly notified FHWA and SHPO of the de minimis determination for this property (see Final EIR/EIS *Figure 5-5.8*). FHWA sent a letter to SHPO on this matter on July 12, 2013 in which FHWA notified SHPO of APE revisions and requested SHPO concurrence with the Finding of No Adverse Effect (see Final EIR/EIS *Figure 5-5.9*). On September 11, 2013, SHPO concurred with the Finding of No Adverse Effect without standard conditions (see Final EIR/EIS *Figure 5-5.10*).

#### **4.3.2 Avoidance Alternatives**

The No-Build Alternative would not require a use of this historic property.



### 4.3.3 **Measures to Minimize Harm**

The proposed project has been designed to minimize impacts and use, where possible, by reducing the amount of new right-of-way and limiting the grading footprint to minimize impacts to resources. No additional mitigation is required for this property.

### 4.3.4 **De Minimis Finding**

Impacts associated with the proposed project would not adversely affect any of the activities, features, or attributes that qualify this historic property for protection under 4(f), and is *de minimis*.



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## CHAPTER 5.0 – REFERENCES

- Ahmad, Fatima  
2008 Personal communication. Administrative Secretary, Palmquist Elementary School. October 23.
- Allen, Lori  
2008 Personal communication. Administrative Secretary, South Oceanside Elementary School and Park. October 22.
- Arnold, Dana  
2008 Personal communication. School Office Assistant, Del Mar Heights Elementary School. October 20.
- Avanzino, Dana  
2008 Personal communication. School Office Assistant, Del Mar Hills Academy. October 20.
- Barnett, Carla  
2008 Personal communication. School Secretary, St Patrick's Catholic School. October 22.
- Batiquitos Lagoon Foundation  
2006 Available at <http://www.batiquitosfoundation.org/locadesc.htm>. Accessed 8/30/06.
- Buena Vista Audubon  
2006 Available at <http://www.bvaudubon.org/>. Accessed 8/31/06.
- Burke, Tina  
2008 Personal communication. Headmaster's Assistant, Santa Fe Christian School. October 20.
- Busch Gardens  
2006 Available at [http://www.buschgardens.org/swc/wetlands/sd\\_county\\_wetlands/agua\\_hedionda\\_lagoon.htm](http://www.buschgardens.org/swc/wetlands/sd_county_wetlands/agua_hedionda_lagoon.htm). Accessed 8/31/06.
- California Department of Transportation (Caltrans)  
2008 Noise Study Report.
- City of Carlsbad  
2007 City of Carlsbad Parks & Park Planning Department website. Available at <http://www.carlsbadca.gov/parks/recmaps.html>. Accessed 6/26/07.



City of San Diego

- 1979 Process Guide and General Plan.
- 1997 City of San Diego MSCP Subarea Plan, March.

County of San Diego

- 2004 Personal communication with Susan Welker. July 13.

Delanty, Lois

- 2008 Personal communication. Administrative Assistant, San Dieguito High School. October 21.

Drawbaugh, Sally

- 2008 Personal communication. School Secretary, Buena Vista Elementary School. October 22.

EDAW Inc.

- 2006 Noise Report for Sensitive Wildlife Receptors within the I-5 North Coast Project. September.
- 2008 Hall Property Community Park Draft Program Environmental Impact Report. Prepared for the City of Encinitas.

Federal Highway Administration (FHWA)

- 2005 FHWA Section 4(f) Policy Paper, March 1.

Frank, Shelia

- 2008 Personal communication. Clerk/Aide, Ada Harris Elementary School. October 21.

Gonzalez, Veronica

- 2008 Personal communication. School Services Secretary, Capri Elementary School.

Grossman, Nalani

- 2008 Personal communication. School Office Assistant, Torrey Hills School. October 20.

Hutchinson, Martha

- 2008 Personal communication. Office Assistant, Earl Warren Middle School. October 21.

Juarez, Anita

- 2008 Personal communication. Office Assistant, Oceanside High School. October 23.

Krosch, Jeanne

- 2009 Personal communication. City of San Diego Planning Department. February 3.

Lamb, Jill

- 2008 Personal communication. Secretary, Solana Vista Elementary School. October 21.



- Myer, Kathy  
2008 Personal communication. Administrative Assistant, Skyline Elementary School. October 21.
- Navarro, Claudia  
2008 Personal communication. School Services Secretary, Paul Ecke Central Elementary School. October 21.
- Schmedding, Kathy  
2008 Personal communication. Secretary, Solana Highlands Elementary School. October 20.
- Sobieski, Luanne  
2008 Personal communication. Secretary, St James Academy. October 20.
- Southern California Edison (SCE)  
2006 Available at <http://www.sce.com/PowerandEnvironment/PowerGeneration/MarineMitigation/SanDieguitoLagoonRestoration.htm>. Accessed 8/30/06.
- U.S. Fish and Wildlife Service / San Dieguito River Park Joint Powers Authority (USFWS/SDRPJPA)  
2000 EIR/EIS for the San Dieguito Wetland Restoration Project Volume 2.
- Villamar, Ofelia  
2008 Personal communication. Office Assistant, Jefferson Elementary School. October 22.
- Zielinski, Becky  
2008 Personal communication. Administrative Secretary, Laurel Elementary School. October 23.



## Appendix A1

### Correspondence and Concurrence with Agencies of Jurisdiction



## Information for the Reader

This appendix contains letters of coordination with agencies having jurisdiction over Section 4(f) resource(s) for which potential use could occur. The letters provided by Caltrans describe the property crossed and the level of effect associated with implementation of the 8+4 Buffer alternative (Preferred Alternative). Written concurrence on FHWA's impact assessment is requested, as required under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). The *de minimis* determinations were prepared in consultation with the agencies having jurisdiction over the resources and centered on a) significance of the property, b) primary purpose of the land, c) proposed use and impacts, and d) proposed measures to avoid and/or minimize harm.

The letters below include both correspondence from Caltrans to the agencies, as well as from the agencies to Caltrans regarding concurrence with FHWA's assessment of *de minimis* impacts. A *de minimis* impact finding is made when the project would not adversely affect the activities, features, or attributes qualifying the properties for Section 4(f) protection.



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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11  
4050 TAYLOR STREET, M.S. 242  
SAN DIEGO, CA 92110  
PHONE (619) 688-0100  
FAX (619) 688-4237  
TTY 711  
www.dot.ca.gov



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April 30, 2013

11-SD-5  
PM: R28.4 to R55.4  
EA: 235800 (1100000159)  
SCH#: 2004101076

Mr. Skip Hammann  
Public Works Director  
City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

Dear Mr. Hammann:

**RE: Agua Hedionda Lagoon Potential Impacts with I-5 NCC Project**

The California Department of Transportation (Caltrans) District 11 on behalf of the Federal Highway Administration (FHWA) is seeking written concurrence for potential use of a portion of Agua Hedionda Lagoon within the City of Carlsbad along Interstate 5 (I-5), that potential use of park land would not alter the functions of this recreational facility.

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966 states that a policy of the United States Government is that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. FHWA and Caltrans have concluded that the Agua Hedionda Lagoon warrants protection under Section 4(f) as it is a publicly accessed and publicly leased recreation area.

FHWA and Caltrans have prepared a Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) and a Supplemental Draft Environmental Impact Report/Environmental Impact Statement (Supplemental Draft EIR/EIS) for the proposed I-5 North Coast Corridor Project (I-5 NCC Project). FHWA and Caltrans propose improvements to maintain or improve the existing and future traffic operations on the existing I-5 freeway from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton, extending approximately 27 miles (PM R28.4 to R55.4) along I-5. Impacts to Agua Hedionda Lagoon were discussed in Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f).

In July 2011, Caltrans identified the 8+4 Buffer Alternative (I-5 Express Lanes) as the Locally Preferred Alternative (LPA). The LPA consists of two high-occupancy vehicle (HOV)/Managed Lanes in each direction, separated by a buffer from the existing four general purpose lanes in each direction.

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Mr. Skip Hammann  
April 30, 2013  
Page 2

#### APPLICABILITY OF SECTION 4(f)

Section 4(f) legislation allows the USDOT to determine that certain uses of a Section 4(f) land would have no adverse effect on the protected resource. Such *de minimis* impacts on publicly owned parks; recreational areas of national, state or local significance; wildlife or waterfowl refuges; or lands from a historic site of national, state or local significance are defined as those that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). When FHWA proposes to make a *de minimis* impact finding, it must provide an opportunity for public comment on the proposed finding (this was included in the public comment period for the I-5 NCC Project Draft EIR/EIS). In addition, the official(s) with jurisdiction over the Section 4(f) resource in question must concur, in writing, with the finding of Caltrans and FHWA in the case of parks, recreation areas, and wildlife and waterfowl refuges, that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection (23 CFR § 774.5[b]).

#### DESCRIPTION OF AGUA HEDIONDA LAGOON WITHIN THE PROJECT BOUNDARY

Agua Hedionda Lagoon, located in Carlsbad, is an approximately 162-ha (400-ac), man-made water body that was constructed in 1954. Agua Hedionda Lagoon, as shown in Figure 15, is surrounded by the Pacific Ocean to the west, undeveloped land to the east, the Encina Power Plant to the south, and residential development to the north. Agua Hedionda Lagoon is connected to the Pacific Ocean through an inlet channel, and to Agua Hedionda Creek and its tributaries in the inner lagoon.

Agua Hedionda Lagoon is owned by Cabrillo Power II, a privately owned corporation, who leases the lagoon to the City of Carlsbad to manage recreational and commercial uses. This long-term lease began in 1957, and is to be renewed every ten years. This agreement turns over operation of the lagoon to the City of Carlsbad, which makes the resource subject to Section 4(f) protection. The City of Carlsbad allows boating and water skiing on the lagoon, and the YMCA operates a canoeing center. A white seabass research facility, jointly managed by Hubbs/Seaworld and California Department of Fish and Wildlife (CDFW), is located at the lagoon, as is a commercial mussel-growing facility. These recreational, research, and commercial activities would not be impacted during construction of the proposed project.

CDFW manages a 75-ha (186-ac) Ecological Reserve consisting of wetlands located at the eastern end of the lagoon (see Figure 15). This Ecological Reserve is owned by the State of California; however, this Ecological Reserve is located approximately 914 m (3,000 ft.) east of the proposed project. Implementation of the proposed project would not require use of any land within the Agua Hedionda Lagoon CDFW Reserve.

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Mr. Skip Hammann  
April 30, 2013  
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#### **Impacts with 8+4 with Buffer Alternative (Locally Preferred Alternative)**

Per the 2050 Regional Transportation Plan, implementation of the 8+4 with Buffer Alternative north of Palomar Airport Road would occur between years 2030 to 2035. This phase includes the Agua Hedionda bridge replacement and I-5 North Coast (NC) Bike Trail. Permanent impacts from these improvements would use approximately 0.64 ha (1.59 ac) with 0.001 ha (.02 ac) for a temporary construction easement. The temporary construction easement enables improvements that avoid further use of the lagoon. The area for use would be of open water and undeveloped land leased to the City of Carlsbad, which is approximately 1.1% of the total area of Agua Hedionda Lagoon. These minor land uses would not alter or affect any recreation activities at the lagoon. Coordination with the City will continue to clarify the proposed use of the lagoon and adjacent areas by the proposed project.

#### **Proposed *De Minimis* Finding**

Implementation of the proposed project would not impede the ability of the lagoon recreation for boating, water skiing, and canoeing. Public and private access to the lagoon would not be affected. The proposed project would not interfere with existing or planned trails and instead provides an opportunity to enhance and connect with them. The visual character of the lagoon would not be adversely changed; the use of small amounts of City leasehold land would simply extend the Caltrans right-of-way boundary outward slightly, and would ultimately result in a view of the area adjacent to I-5 as similar to the existing condition. Increases in noise levels would not be noticeable to lagoon users. With the project, future noise levels at the lagoon are projected to increase approximately 2 dBA over a majority of the lagoon. This 2 dBA increase would not be perceptible to the human ear. The increase also would not substantially increase the potential for noise to impact sensitive species.

Areas of natural vegetation disturbed through construction would be restored with native plant species and mitigated at ratios agreed upon by the resource agencies as part of the overall mitigation plan for the proposed project.

Overall, it is expected that use of 0.64 ha (1.59 ac) with 0.001 ha (.02 ac) for a temporary construction easement of the lagoon would not adversely affect any of the activities, features, or attributes of the publicly owned regional open space park that qualify the resource for protection under Section 4(f), and is proposed as *de minimis*.

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Mr. Skip Hammann  
April 30, 2013  
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#### Coordination between Caltrans/FHWA and the City of Carlsbad

In the City of Carlsbad comment letters dated November 22, 2010 and October 12, 2012 on the Draft EIR/EIS and Supplemental Draft EIR/EIS (respectively), the City commented on the trails for Agua Hedionda Lagoon and stated that east/west crossing at both bridge abutments are critical for connectivity for trails, including the Coastal Rail Trail. Caltrans will incorporate "Potential Future Pedestrian/Bike Trail and Wildlife Benches" next to the north and south abutments of the Agua Hedionda bridge. Caltrans on behalf of FHWA is continuing the coordination with the City of Carlsbad. Caltrans and the City met on February 15, 2013, and had a teleconference on March 28, 2013.

Since the project design is still in the preliminary phases, further coordination with the City of Carlsbad will occur regarding the following:

- Visual changes resulting from implementation of the LPA, including the Agua Hedionda bridge replacement, I-5 NC Bike Trail, and the proposed retaining wall for this bike trail.
- How the I-5 NC Bike Trail would connect with the planned east-west trails under and east of I-5 to enable travel between inland areas and the beach.
- How to best design the LPA, including the Agua Hedionda bridge replacement and the I-5 NC Bike Trail, to avoid and/or reduce impacts to the Foxes lift station.
- How to best enhance the nearby recreation uses and public use of the lagoon and trails.
- Consideration of pets on proposed lagoon trails.

Furthermore, Caltrans acknowledges the City may identify other concerns besides those listed above, particularly since construction of the LPA in the vicinity of the lagoon is not scheduled until 2030 at the earliest. For that reason, Caltrans agrees to continue its coordination efforts with the City into the future.

Caltrans is now requesting your written concurrence in this *de minimis* determination, as required under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). A signature block is provided at the bottom of this letter for your convenience. If you have any questions, please contact Shay Lynn Harrison, Chief, Environmental Analysis, Branch C, at (619) 688-0190.

Sincerely,



BRUCE L. APRIL  
Deputy District Director, Environmental

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Mr. Skip Hammann  
April 30, 2013  
Page 5


Enclosure


c: Shay Lynn Harrison, Chief, Environmental Analysis, Branch C

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City of Carlsbad Concurrence with *De Minimis* Impact Finding for Agua Hedionda  
Lagoon

The signature below represents written concurrence on the *de minimis* impact finding that the proposed Interstate 5 North Coast Corridor Project 8+4 Buffer Alternative would not adversely affect the activities, features, and attributes that qualify the property, Agua Hedionda Lagoon, for protection under Section 4(f) within the City of Carlsbad.

  
Mr. Skip Hammann  
Public Works Director  
City of Carlsbad

  
DATE

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

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FAX (619) 688-4237  
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August 27, 2013

11-SD-5  
PM: R28.4 to R55.4  
EA: 235800 (1100000159)  
SCH#: 2004101076

Mr. Edmund Pert  
California Department of Fish & Wildlife  
South Coast Region 5  
3883 Ruffin Road  
San Diego, CA 92123

Dear Mr. Pert:

**RE: San Elijo Lagoon Potential Impacts with I-5 NCC Project**

The California Department of Transportation (Caltrans) District 11, on behalf of the Federal Highway Administration (FHWA), is seeking written concurrence for potential use of a portion of the San Elijo Lagoon Ecological Reserve within the City of Encinitas along Interstate 5 (I-5) that potential use of reserve land would not alter the functions of this ecological reserve.

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966 states that a policy of the United States Government is that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. These requirements are now codified at 49 U.S.C. § 303 and 23 U.S.C. § 138. FHWA and Caltrans have concluded that the San Elijo Lagoon warrants protection under Section 4(f) as it is a publicly accessed and publicly leased recreation area.

FHWA and Caltrans have prepared a Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) and a Supplemental Draft Environmental Impact Report/Environmental Impact Statement (Supplemental Draft EIR/EIS) for the proposed I-5 North Coast Corridor Project (I-5 NCC Project). FHWA and Caltrans propose improvements to maintain or improve the existing and future traffic operations on the existing I-5 freeway from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton, extending approximately 27 miles (PM R28.4 to R55.4) along I-5. Impacts to San Elijo Lagoon were discussed in Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f).

In July 2011, Caltrans identified the 8+4 Buffer Alternative (I-5 Express Lanes) as the Locally Preferred Alternative (LPA). The LPA consists of two high-occupancy vehicle (HOV)/Managed Lanes in each direction, separated by a buffer from the existing four general purpose lanes in each direction.

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Mr. Edmund Pert  
August 27, 2013  
Page 2

#### APPLICABILITY OF SECTION 4(f)

Section 4(f) allows the USDOT to determine that certain uses of a Section 4(f) land would have no adverse effect on the protected resource. Such *de minimis* impacts on publicly owned parks; recreational areas of national, state or local significance; wildlife or waterfowl refuges; or lands from a historic site of national, state or local significance are defined as those that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) (49 U.S.C. 303[d]; 23 U.S.C. 138). When FHWA proposes to make a *de minimis* impact finding, it must provide an opportunity for public comment on the proposed finding (this was included in the public comment period for the I-5 NCC Project Draft EIR/EIS). In addition, the official(s) with jurisdiction over the Section 4(f) resource in question must concur, in writing, with the finding of Caltrans and FHWA (in the case of parks, recreation areas, and wildlife and waterfowl refuges) that the project would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection (23 CFR § 774.5[b]).

#### SAN ELIJO LAGOON ECOLOGICAL RESERVE

The San Elijo Lagoon Ecological Reserve is located within the cities of Encinitas and Solana Beach and extends inland to the community of Rancho Santa Fe. The Reserve is bordered by the Pacific Ocean to the west, and a mix of residential and undeveloped land to the east, north, and south. The entire Reserve is approximately 1,000 acres (ac) in size. It is primarily a shallow-water estuary fed by a 77-miles squared (mi<sup>2</sup>) watershed with two main tributaries, Escondido Creek and La Orilla Creek, and is divided into a west, central, and eastern basin by Highway 101, the railway, and I-5. It contains a diverse habitat with six plant communities including coastal strand, salt marsh, freshwater marsh, riparian scrub, coastal sage scrub, and mixed chaparral. The habitat supports a variety of plant and wildlife species.

The Reserve is owned jointly by the California Department of Fish and Wildlife (CDFW), the County of San Diego Department of Parks and Recreation (DPR) and the San Elijo Lagoon Conservancy (SELC). All three agencies have an agreement to operate San Elijo Lagoon as a State Ecological Reserve under the administration of the DPR. The boundary of the Reserve is contiguous with Caltrans right-of-way where I-5 separates the eastern and central basins. The Reserve includes over 8 km (7 mi) of hiking trails open to the public. These trails can be reached from the north end of Rios Avenue, Holmwood Lane, Solana Hills Drive, Santa Inez Drive, Santa Carina Drive, and Santa Helena Drive on the south side of the lagoon in Solana Beach, and along El Camino Real at La Orilla Creek in the community of Rancho Santa Fe at the east end.

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Mr. Edmund Pert  
August 27, 2013  
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The trails are designated for hiking-only in the Central Basin, and both equestrian and hiking in East Basin. The multi-use trail system is restricted to the East Basin, as the riprap slope protection under the I-5 bridge at Manchester Avenue prevents equestrian passage into the West Basin. A Nature Center, located at 2710 Manchester Avenue in Encinitas on the northwest side of the Reserve, provides county ranger offices, museum-quality exhibits, an observation deck, tables and chairs, a parking lot, restrooms, drinking water, and a 1 mile loop trail.

Visitor usage of the Reserve is estimated between 100,000 to 120,000 visitor use days per year (entry onto the Reserve is equal to one visitor use per day). The Nature Center visitor usage is approximately 55,000 to 65,000 visitor use days per year. Visitors are primarily residents of the surrounding neighborhoods, and jogging is popular along the southern trails. School field trips are held at the Nature Center as well as the Rios and Santa Carina trailheads. The park's status as a publicly owned ecological Reserve and recreation area qualifies the Reserve as a resource subject to protection under Section 4(f).

#### **Impacts with 8+4 with Buffer Alternative (Locally Preferred Alternative)**

Per the 2050 Regional Transportation Plan, implementation of the 8+4 with Buffer Alternative within the San Elijo Lagoon would occur between years 2015 to 2020. This phase includes the San Elijo bridge replacement, I-5 North Coast (NC) Bike Trail, and proposed Community Enhancement trails. See the enclosure. Permanent impacts from these improvements would use approximately 0.23 acres with 0.56 acres of temporary impacts for a temporary construction easement. At project completion, the temporary construction easement would re-establish the maintenance and pedestrian trail. The total area for use consists of degraded coastal sage scrub habitat, and is approximately 0.079% of the total Reserve area. Approximately 0.61 ac of this use would occur on property owned by the County of San Diego, while the remaining 0.18 ac would occur on property owned by the CDFW. See the enclosed figure. These minor land uses would not alter or affect any recreation activities at the lagoon. Coordination with the CDFW, DPR, and the SELC will continue to clarify the proposed use.

#### **Proposed De Minimis Finding**

Under any I-5 NCC Project alternative, the quantity of Reserve land proposed for use is extremely small at 0.79 acres. Access to existing trailheads and designated trails would remain open, and after project implementation would be enhanced. The visual character of the Reserve would not be measurably altered by the freeway widening. The existing noise levels in the Reserve range from 60 dBA to 67 dBA. With the project, future noise levels at the Reserve are projected to increase approximately 1 dBA from the existing noise levels. This 1 dBA increase would not be perceptible to the human ear. The increase in noise would not substantially

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Mr. Edmund Pert  
August 27, 2013  
Page 4

increase the potential for noise to impact sensitive species. Therefore, increases in traffic-related noise would not be noticeable to park users and would not impair the wildlife habitat functions of the Reserve.

Areas of natural vegetation disturbed through construction would be restored with native plant species and mitigated at ratios agreed upon by the resource agencies as part of the overall mitigation plan for the proposed project. In recognition of the unique opportunities and value of comprehensive lagoon restoration activities for corridor lagoons, the mitigation plan called the Resource Enhancement Mitigation Program (REMP) includes large-scale lagoon ecosystem restoration and enhancement mitigation opportunities, which will result in significant ecological lift to the lagoon system. The mitigation opportunity includes potential funding for a large-scale lagoon restoration program in full for San Elijo Lagoon, which would be in addition to funds already contributed to previous and ongoing planning and technical evaluation activities necessary to facilitate and implement these lagoon restoration programs. Large-scale lagoon restoration in San Elijo Lagoon may include, but is not limited to, enhancement and restoration (both types) of wetland and other aquatic resources in the associated Lagoons. The intent of the large-scale lagoon restoration funding is to improve the ecological health and hydrological connectivity and to enhance critical coastal resources and habitats. The degraded upland coastal sage community located within the area for *de minimis* is currently included within the mitigation plan. The upland habitat would be mitigated outside of the lagoon at Dean and Deer Canyon mitigation sites.

Overall, it is expected that use of up to 0.23 acres for a permanent impact and 0.56 ac for a temporary construction easement of Reserve land would not adversely affect any of the activities, features, or attributes of the Reserve that qualify the resource for protection under Section 4(f) and is proposed as *de minimis*.

#### **Coordination between Caltrans/FHWA and the California Department of Fish and Wildlife**

In correspondence received from the CDFW during the public comment period for the Draft Environmental Impact Report / Environmental Impact Statement for the Interstate 5 North Coast Corridor Project and the comment period for the Supplemental Draft Environmental Impact Report / Environmental Impact Statement for the Interstate 5 North Coast Corridor Project, the CDFW did not protest regarding the *de minimis* findings made by Caltrans/FHWA.

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Mr. Edmund Pert  
August 27, 2013  
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On April 3, 2013, Caltrans, on behalf of FHWA, met with CDFW, DPR, and SELC.

Since the project design is still in the preliminary phases, further coordination with the CDFW, DPR, and SELC will occur regarding the following:

- Continuing discussions on separation between pedestrians and bicyclists.
- Ensuring that access control coordination for signage and gates within the Reserve is continued. In particular, Solana Hills Drive and the NC Bike Trail.
- Continuing discussions in which existing trails should be tied into the bench trail under the south abutment.
- Continuing discussions to ensure trails and maintenance roads are open for use during construction.
- Working with all stakeholders on design details (fencing, retaining walls, signage, access, pavement surface, plants, and maintenance).
- Providing information on the cut and fill volumes associated with impacts to San Elijo triggered by Section 4(f).
- Continuing discussions regarding right-of-way exchange.

Furthermore, Caltrans acknowledges the CDFW, DPR, and SELC may identify other concerns besides those listed above. For that reason, Caltrans looks forward to continued coordination throughout the project lifecycle.

Caltrans is now requesting your written concurrence in this *de minimis* determination, as required under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). A signature block is provided at the bottom of this letter for your convenience. If you have any questions, please contact Shay Lynn Harrison, Chief, Environmental Analysis, Branch C, at (619) 688-0190.

Sincerely,



BRUCE L. APRIL  
Deputy District Director, Environmental

Enclosure

c: Shay Lynn M. Harrison, Chief, Environmental Analysis, Branch C

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**California Department of Fish & Wildlife Service Concurrence with *De Minimis* Impact  
Finding for San Elijo Lagoon Reserve**

The signature below represents written concurrence on the *de minimis* impact finding that the proposed Interstate 5 North Coast Corridor Project 8+4 Buffer Alternative would not adversely affect the activities, features, and attributes that qualify the property, San Elijo Lagoon, for protection under Section 4(f) within the City of Encinitas.



Mr. Edmund Pert  
Regional Manager  
California Department of Fish & Wildlife  
South Coast Region 5

8-30-13  
DATE

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11  
4050 TAYLOR STREET, M.S. 242  
SAN DIEGO, CA 92110  
PHONE (619) 688-0100  
FAX (619) 688-4237  
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August 1, 2013

11-SD-5  
PM: R28.4 to R55.4  
EA: 235800 (1100000159)  
SCH#: 2004101076

Mr. Brian Albright, Director  
County of San Diego  
Department of Parks and Recreation  
5500 Overland Avenue, Suite 410  
San Diego, CA 92123

Dear Mr. Albright:

**RE: San Elijo Lagoon Potential Impacts with I-5 NCC Project**

The California Department of Transportation (Caltrans) District 11, on behalf of the Federal Highway Administration (FHWA), is seeking written concurrence for potential use of a portion of the San Elijo Lagoon Ecological Reserve within the City of Encinitas along Interstate 5 (I-5) that potential use of reserve land would not alter the functions of this ecological reserve.

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966 states that a policy of the United States Government is that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. These requirements are now codified at 49 U.S.C. § 303 and 23 U.S.C. § 138. FHWA and Caltrans have concluded that the San Elijo Lagoon warrants protection under Section 4(f) as it is a publicly accessed and publicly leased recreation area.

FHWA and Caltrans have prepared a Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) and a Supplemental Draft Environmental Impact Report/Environmental Impact Statement (Supplemental Draft EIR/EIS) for the proposed I-5 North Coast Corridor Project (I-5 NCC Project). FHWA and Caltrans propose improvements to maintain or improve the existing and future traffic operations on the existing I-5 freeway from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton, extending approximately 27 miles (PM R28.4 to R55.4) along I-5. Impacts to San Elijo Lagoon were discussed in Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f).

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August 1, 2013  
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In July 2011, Caltrans identified the 8+4 Buffer Alternative (I-5 Express Lanes) as the Locally Preferred Alternative (LPA). The LPA consists of two high-occupancy vehicle (HOV)/Managed Lanes in each direction, separated by a buffer from the existing four general purpose lanes in each direction.

#### APPLICABILITY OF SECTION 4(f)

Section 4(f) allows the USDOT to determine that certain uses of a Section 4(f) land would have no adverse effect on the protected resource. Such *de minimis* impacts on publicly owned parks; recreational areas of national, state or local significance; wildlife or waterfowl refuges; or lands from a historic site of national, state or local significance are defined as those that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) (49 U.S.C. 303[d]; 23 U.S.C. 138). When FHWA proposes to make a *de minimis* impact finding, it must provide an opportunity for public comment on the proposed finding (this was included in the public comment period for the I-5 NCC Project Draft EIR/EIS). In addition, the official(s) with jurisdiction over the Section 4(f) resource in question must concur, in writing, with the finding of Caltrans and FHWA (in the case of parks, recreation areas, and wildlife and waterfowl refuges) that the project would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection (23 CFR § 774.5[b]).

#### SAN ELIJO LAGOON ECOLOGICAL RESERVE

The San Elijo Lagoon Ecological Reserve is located within the cities of Encinitas and Solana Beach and extends inland to the community of Rancho Santa Fe. The Reserve is bordered by the Pacific Ocean to the west, and a mix of residential and undeveloped land to the east, north, and south. The entire Reserve is approximately 1,000 acres (ac) in size. It is primarily a shallow-water estuary fed by a 77-miles squared (mi<sup>2</sup>) watershed with two main tributaries, Escondido Creek and La Orilla Creek, and is divided into a west, central, and eastern basin by Highway 101, the railway, and I-5. It contains a diverse habitat with six plant communities including coastal strand, salt marsh, freshwater marsh, riparian scrub, coastal sage scrub, and mixed chaparral. The habitat supports a variety of plant and wildlife species.

The Reserve is owned jointly by the California Department of Fish and Wildlife (CDFW), the County of San Diego Department of Parks and Recreation (DPR) and the San Elijo Lagoon Conservancy (SELC). All three agencies have an agreement to operate San Elijo Lagoon as a State Ecological Reserve under the administration of the DPR. The boundary of the Reserve is contiguous with Caltrans right-of-way where I-5 separates the eastern and central basins.

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Mr. Brian Albright, Director  
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The Reserve includes over 8 km (7 mi) of hiking trails open to the public. These trails can be reached from the north end of Rios Avenue, Holmwood Lane, Solana Hills Drive, Santa Inez Drive, Santa Carina Drive, and Santa Helena Drive on the south side of the lagoon in Solana Beach, and along El Camino Real at La Orilla Creek in the community of Rancho Santa Fe at the east end. The trails are designated for hiking-only in the Central Basin, and both equestrian and hiking in East Basin. The multi-use trail system is restricted to the East Basin, as the riprap slope protection under the I-5 bridge at Manchester Avenue prevents equestrian passage into the West Basin. A Nature Center, located at 2710 Manchester Avenue in Encinitas on the northwest side of the Reserve, provides county ranger offices, museum-quality exhibits, an observation deck, tables and chairs, a parking lot, restrooms, drinking water, and a 1 mile loop trail.

Visitor usage of the Reserve is estimated between 100,000 to 120,000 visitor use days per year (entry onto the Reserve is equal to one visitor use per day). The Nature Center visitor usage is approximately 55,000 to 65,000 visitor use days per year. Visitors are primarily residents of the surrounding neighborhoods, and jogging is popular along the southern trails. School field trips are held at the Nature Center as well as the Rios and Santa Carina trailheads. The park's status as a publicly owned ecological Reserve and recreation area qualifies the Reserve as a resource subject to protection under Section 4(f).

#### **Impacts with 8+4 with Buffer Alternative (Locally Preferred Alternative)**

Per the 2050 Regional Transportation Plan, implementation of the 8+4 with Buffer Alternative within the San Elijo Lagoon would occur between years 2015 to 2020. This phase includes the San Elijo bridge replacement, I-5 North Coast (NC) Bike Trail, and proposed Community Enhancement trails. See the enclosure. Permanent impacts from these improvements would use approximately 0.23 acres with 0.56 acres of temporary impacts for a temporary construction easement. At project completion, the temporary construction easement would re-establish the maintenance and pedestrian trail. The total area for use consists of degraded coastal sage scrub habitat, and is approximately 0.079% of the total Reserve area. Approximately 0.61 ac of this use would occur on property owned by the County of San Diego, while the remaining 0.18 ac would occur on property owned by the CDFW. See the enclosed figure. These minor land uses would not alter or affect any recreation activities at the lagoon. Coordination with the CDFW, DPR, and the SELC will continue to clarify the proposed use.

#### **Proposed De Minimis Finding**

Under any I-5 NCC Project alternative, the quantity of Reserve land proposed for use is extremely small at 0.79 acres. Access to existing trailheads and designated trails would remain open, and after project implementation would be enhanced. The visual character of the Reserve

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Mr. Brian Albright, Director  
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would not be measurably altered by the freeway widening. The existing noise levels in the Reserve range from 60 dBA to 67 dBA. With the project, future noise levels at the Reserve are projected to increase approximately 1 dBA from the existing noise levels. This 1 dBA increase would not be perceptible to the human ear. The increase in noise would not substantially increase the potential for noise to impact sensitive species. Therefore, increases in traffic-related noise would not be noticeable to park users and would not impair the wildlife habitat functions of the Reserve.

Areas of natural vegetation disturbed through construction would be restored with native plant species and mitigated at ratios agreed upon by the resource agencies as part of the overall mitigation plan for the proposed project. In recognition of the unique opportunities and value of comprehensive lagoon restoration activities for corridor lagoons, the mitigation plan called the Resource Enhancement Mitigation Program (REMP) includes large-scale lagoon ecosystem restoration and enhancement mitigation opportunities, which will result in significant ecological lift to the lagoon system. The mitigation opportunity includes potential funding for a large-scale lagoon restoration program in full for San Elijo Lagoon, which would be in addition to funds already contributed to previous and ongoing planning and technical evaluation activities necessary to facilitate and implement these lagoon restoration programs. Large-scale lagoon restoration in San Elijo Lagoon may include, but is not limited to, enhancement and restoration (both types) of wetland and other aquatic resources in the associated Lagoons. The intent of the large-scale lagoon restoration funding is to improve the ecological health and hydrological connectivity and to enhance critical coastal resources and habitats. The degraded upland coastal sage community located within the area for *de minimis* is currently included within the mitigation plan. The upland habitat would be mitigated outside of the lagoon at Dean and Deer Canyon mitigation sites.

Overall, it is expected that use of up to 0.23 acres for a permanent impact and 0.56 ac for a temporary construction easement of Reserve land would not adversely affect any of the activities, features, or attributes of the Reserve that qualify the resource for protection under Section 4(f) and is proposed as *de minimis*.

#### **Coordination and Communication between Caltrans/FHWA and the County of San Diego**

Specific responses to each comment in your November 23, 2010, letter from DPR to Caltrans regarding the I-5 NCC Project DEIS will be included in the Final Environmental Impact Statement (FEIS). The DPR has stated it would like additional information prior to concurrence with the proposed *de minimis* finding. Summaries of the more substantive issues raised in relation to this issue, and their responses, are as follows:

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Trailheads at Solana Hills Drive and North Rios Avenue in City of Solana Beach

*Issues* The trailhead was described as being a rather minor access point and it was stated that enhancements at the more heavily used North Rios Avenue trailhead should be explored instead. Questions of ownership and maintenance were also raised along with confirmation that an easement road would still be accessible. There were also concerns over the nature of proposed lighting, of a retaining wall, and over erosion control at the North Rios Avenue trailhead.

*Response* The locations of proposed community enhancements were discussed with various stakeholders, with improvements to the existing trailhead prioritized by the City of Solana Beach, which would manage the proposed amenities. Improvements to other access points and various enhancements, including means of controlling erosion, could be a point of the ongoing stakeholder discussion. Easement road access would be maintained. Lighting would be provided for safety along the I-5 Bike Trail connected to the I-5 freeway, but would be shielded and directed away from the Reserve. Unless lighting is required by the cities, no lighting for the trails within the Reserve is anticipated. Daytime lighting of undercrossings may be required on some trails, though nighttime lighting is not proposed for trails within the Reserve, which would help discourage nighttime use. The purpose of the retaining wall is to minimize encroachment onto adjacent habitat, and it would need to be 30-40 feet tall in order to do so. The freeway users would see the face of the wall. The trail users would be above the retaining wall. In addition, planting to screen the wall is a commitment as part of project design, diminishing perceived incompatibility with the character of the Reserve. Caltrans is in ongoing, extensive coordination with the California Coastal Commission (CCC), and only native plant species would be planted. The Design Guidelines for I-5 strives to be consistent with the character of the adjacent community landscape. Therefore, Caltrans would coordinate with the stakeholders and the CCC to determine if non-native drought tolerant plants would also be feasible to screen the retaining walls in certain areas.

Manchester Avenue Pedestrian Bridge and Trail, City of Encinitas

*Issues* Concerns over nighttime lighting impacts on wildlife and on perceived security issues were raised at this location, along with trail and retaining wall design. Potential public safety and access problems in an adjacent area were also raised.

*Response* The Manchester Avenue pedestrian bridge and suspended trail would comprise part of the regional I-5 North Coast Bike Trail to provide for and improve public access. Lighting would be provided along Manchester Avenue and the bridge for safety, but would be shielded to help focus light on the trail and avoid the Reserve. The use of retaining walls would

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reduce the size of the impacted area and, along with fencing, help keep users out of more sensitive areas. In certain locations signage would also be used to discourage access into sensitive areas and to advise users that the Reserve is closed after dark. The bike trail is not within the Reserve. Requested access points between the I-5 Bike Trail and the Reserve would be coordinated with the DPR, DFW, and SELC to install features that restrict bicycle access to the reserve trails. Co-located bike/pedestrian trails would consist of paved surface for bikes and an adjacent soft surface for pedestrians. The pedestrian trail along the west side of the freeway south of the lagoon within the Reserve would be decomposed granite. The toe of the slope would be revegetated with salt marsh species and bioswales would be kept out of wetland.

*Issues 2e)* Retaining walls adjacent to the proposed trail along the south side of the lagoon do not fit the natural character of the lagoon and may interfere with proposed restoration efforts. Please design the trail such that a retaining wall is not required.

*Response* The retaining wall proposed on the south side of the lagoon would support the trail mid-slope rather than down at toe of slope where it is currently sited. The purpose of the wall is to minimize slope spread, separate trail users from more sensitive portions of the lagoon such as areas along the water edge, and retain construction and use impacts to within Caltrans right-of-way. Lack of a retaining wall would result in additional environmental impacts and is therefore currently not under consideration for final design. The retaining wall is being developed in coordination with the restoration efforts.

*Issues 2c)* Trail improvements on the west side of I-5 should extend the length of the berm to connect to the existing trail along the south shore of the lagoon. A current foot trail at the toe of the slope should be removed during construction of the bio-swale, and the area returned to salt marsh.

*Response* A retaining wall would be installed to support a 12-foot-wide paved trail along the south side of the lagoon for bicycles and pedestrians. Fencing and other methods, as well as signage, would be used to keep bicycles on the approved trail and out of the reserve. A pedestrian trail would also be continued on the east side of the lagoon. This would eliminate the need for the existing trail at the toe of slope in this area and provide additional area for restoration. The impact area at the toe of the slope will be revegetated with salt marsh species. The bioswales will not be placed within the wetland.

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Affected Environment, Consequences, and Avoidance, Minimization, and Mitigation Measures

*Issues* It was stated that the EIR/EIS be revised to include analysis of its relationship to various regional trails, including the California Coastal Trail, the Coast to Crest Trail, and the Trans County Trail. Mention was made that regulatory language citations may have been in error, that there were discrepancies in certain acreage impacts reported, and that there was a need for a map showing sensitive plant locations for the San Elijo Lagoon.

*Response* Project elements including various pedestrian and bicycle trail enhancements would be expected to improve the movement of users throughout the corridor, including those traveling a local, short distance and those traveling further, and is consistent with goals for the area. By facilitating improved pedestrian and bicycle movement along the project area, access to other local or regional trails is also enhanced whether or not these other trails are contiguous with trails along the I-5 corridor. This results from the reduction or elimination of non-contiguous segments that would otherwise force users onto surface streets, and thereby improves movement throughout the region. Regarding regulatory language, the code cited is an implementing code for the original codification at 23 USC 303, and is cited as part of the Caltrans template for CEQA/NEPA environmental documents. The refined 8+4 Buffer Alternative is identified in the FEIR/EIS as the Preferred Alternative, and the amount of impact is anticipated to be 0.18 acres, with the numbers in *Section 3.1.3* and Appendix A now matching. Additionally, a figure showing sensitive plant species on San Elijo Lagoon slopes was included as Figure 3.19.1, *Sensitive Plant Locations*, in the DEIR/EIS and is retained in the FEIR/EIS.

Appendix A – Resources Evaluated Relative to 4(f) , Section 4.2 San Elijo Lagoon Ecological Reserve

*Issues* The I-5 NCC project's trail improvements to the existing informal trail under the I-5 bridge would represent a more formal accommodation of this trail that connects with other trails on the berms running parallel to I-5 along the east and west sides, but this trail is not currently maintained by DPR and it was requested that Caltrans maintenance responsibility be specified. Also, it was stated that the City of Encinitas does not have jurisdiction in accordance with Section 774.17 23 USC 774, and that instead jurisdiction lies with the agencies that own or administer the property which is, in this case, the County of San Diego. It was stated that while it appeared mitigation measures might qualify the project for a *de minimis* finding, no replacement parkland had been proposed, DPR had not been consulted, and that DPR would like a meeting with Caltrans to discuss avoidance and mitigation measures in order to reassure the County that *de minimis* standards are met.

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Mr. Brian Albright, Director  
August 1, 2013  
Page 8

*Response* Maintenance for any trail within the San Elijo Conservancy including the pedestrian/bike bridge would be the responsibility of the DPR, City, or the SELC as part of a Maintenance Agreement reached prior to construction. Caltrans will continue to coordinate with agencies having jurisdiction over Section 4(f) properties in regards to impacts and to mitigation in order to help reduce or avoid them. The enhancements in this area would be expected to be neutral or even beneficial relative to existing conditions. Project footprint effects on habitat would be addressed through the project mitigation plan and associated Project Works Plan / Transportation and Resource Enhancement Program (PWP/TREP). Also, it should be noted that replacement parkland is not required under Section 4(f), though it may be a part of Section 6(f) analysis.

On April 3, 2013, Caltrans, on behalf of FHWA, met with CDFW, DPR, and SELC.

Since the project design is still in the preliminary phases, further coordination with the CDFW, DPR, and SELC will occur regarding the following:

- Continuing discussions on separation between pedestrians and bicyclists.
- Ensuring that access control coordination for signage and gates within the Reserve is continued. In particular, Solana Hills Drive and the NC Bike Trail.
- Continuing discussions in which existing trails should be tied into the bench trail under the south abutment.
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- Working with all stakeholders on design details (fencing, retaining walls, signage, access, pavement surface, plants, and maintenance).
- Providing information on the cut and fill volumes associated with impacts to San Elijo triggered by Section 4(f).
- Continuing discussions regarding right-of-way exchange.

Furthermore, Caltrans acknowledges the CDFW, DPR, and SELC may identify other concerns besides those listed above. For that reason, Caltrans looks forward to continued coordination throughout the project lifecycle.

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Mr. Brian Albright, Director  
August 1, 2013  
Page 9

Caltrans is now requesting your written concurrence in this *de minimis* determination, as required under Section 4(f) (49 U.S.C. 303[d]; and 23 U.S.C. 138). A signature block is provided at the bottom of this letter for your convenience. If you have any questions, please contact Shay Lynn Harrison, Chief, Environmental Analysis, Branch C, at (619) 688-0190.

Sincerely,



BRUCE L. APRIL  
Deputy District Director, Environmental

Enclosures


c: Shay Lynn M. Harrison, Chief, Environmental Analysis, Branch C

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August 1, 2013  
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**County of San Diego, Parks and Recreation Concurrence with *De Minimis* Impact Finding  
for San Elijo Lagoon Reserve**

The signature below represents written concurrence on the *de minimis* impact finding that the proposed Interstate 5 North Coast Corridor Project 8+4 Buffer Alternative would not adversely affect the activities, features, and attributes that qualify the property, San Elijo Lagoon, for protection under Section 4(f) within the County of San Diego.

  
\_\_\_\_\_  
Mr. Brian Albright  
Director  
Parks and Recreation, County of San Diego

8/1/13  
\_\_\_\_\_  
DATE

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11  
4050 TAYLOR STREET, M.S. 242  
SAN DIEGO, CA 92110  
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August 6, 2013

11-SD-5  
PM: R28.4 to R55.4  
EA: 235800 (1100000159)  
SCH#: 2004101076

Mr. Doug Gibson  
San Elijo Lagoon Conservancy  
2049 San Elijo Avenue  
Cardiff-by-the-Sea, CA 92007

Dear Mr. Gibson:

**RE: San Elijo Lagoon Potential Impacts with I-5 NCC Project**

The California Department of Transportation (Caltrans) District 11, on behalf of the Federal Highway Administration (FHWA), is seeking written concurrence for potential use of a portion of the San Elijo Lagoon Ecological Reserve within the City of Encinitas along Interstate 5 (I-5) that potential use of reserve land would not alter the functions of this ecological reserve.

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Mr. Doug Gibson  
August 6, 2013  
Page 2

#### APPLICABILITY OF SECTION 4(f)

Section 4(f) allows the USDOT to determine that certain uses of a Section 4(f) land would have no adverse effect on the protected resource. Such *de minimis* impacts on publicly owned parks; recreational areas of national, state or local significance; wildlife or waterfowl refuges; or lands from a historic site of national, state or local significance are defined as those that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) (49 U.S.C. 303[d]; 23 U.S.C. 138). When FHWA proposes to make a *de minimis* impact finding, it must provide an opportunity for public comment on the proposed finding (this was included in the public comment period for the I-5 NCC Project Draft EIR/EIS). In addition, the official(s) with jurisdiction over the Section 4(f) resource in question must concur, in writing, with the finding of Caltrans and FHWA (in the case of parks, recreation areas, and wildlife and waterfowl refuges) that the project would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection (23 CFR § 774.5[b]).

#### SAN ELIJO LAGOON ECOLOGICAL RESERVE

The San Elijo Lagoon Ecological Reserve is located within the cities of Encinitas and Solana Beach and extends inland to the community of Rancho Santa Fe. The Reserve is bordered by the Pacific Ocean to the west, and a mix of residential and undeveloped land to the east, north, and south. The entire Reserve is approximately 1,000 acres (ac) in size. It is primarily a shallow-water estuary fed by a 77-miles squared (mi<sup>2</sup>) watershed with two main tributaries, Escondido Creek and La Orilla Creek, and is divided into a west, central, and eastern basin by Highway 101, the railway, and I-5. It contains a diverse habitat with six plant communities including coastal strand, salt marsh, freshwater marsh, riparian scrub, coastal sage scrub, and mixed chaparral. The habitat supports a variety of plant and wildlife species.

The Reserve is owned jointly by the California Department of Fish and Wildlife (CDFW), the County of San Diego Department of Parks and Recreation (DPR) and the San Elijo Lagoon Conservancy (SELC). All three agencies have an agreement to operate San Elijo Lagoon as a State Ecological Reserve under the administration of the DPR. The boundary of the Reserve is contiguous with Caltrans right-of-way where I-5 separates the eastern and central basins. The Reserve includes over 8 km (7 mi) of hiking trails open to the public. These trails can be reached from the north end of Rios Avenue, Holmwood Lane, Solana Hills Drive, Santa Inez Drive, Santa Carina Drive, and Santa Helena Drive on the south side of the lagoon in Solana Beach, and along El Camino Real at La Orilla Creek in the community of Rancho Santa Fe at the east end.

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The trails are designated for hiking-only in the Central Basin, and both equestrian and hiking in East Basin. The multi-use trail system is restricted to the East Basin, as the riprap slope protection under the I-5 bridge at Manchester Avenue prevents equestrian passage into the West Basin. A Nature Center, located at 2710 Manchester Avenue in Encinitas on the northwest side of the Reserve, provides county ranger offices, museum-quality exhibits, an observation deck, tables and chairs, a parking lot, restrooms, drinking water, and a 1 mile loop trail.

Visitor usage of the Reserve is estimated between 100,000 to 120,000 visitor use days per year (entry onto the Reserve is equal to one visitor use per day). The Nature Center visitor usage is approximately 55,000 to 65,000 visitor use days per year. Visitors are primarily residents of the surrounding neighborhoods, and jogging is popular along the southern trails. School field trips are held at the Nature Center as well as the Rios and Santa Carina trailheads. The park's status as a publicly owned ecological Reserve and recreation area qualifies the Reserve as a resource subject to protection under Section 4(f).

#### **Impacts with 8+4 with Buffer Alternative (Locally Preferred Alternative)**

Per the 2050 Regional Transportation Plan, implementation of the 8+4 with Buffer Alternative within the San Elijo Lagoon would occur between years 2015 to 2020. This phase includes the San Elijo bridge replacement, I-5 North Coast (NC) Bike Trail, and proposed Community Enhancement trails. See the enclosure. Permanent impacts from these improvements would use approximately 0.23 acres with 0.56 acres of temporary impacts for a temporary construction easement. At project completion, the temporary construction easement would re-establish the maintenance and pedestrian trail. The total area for use consists of degraded coastal sage scrub habitat, and is approximately 0.079% of the total Reserve area. Approximately 0.61 ac of this use would occur on property owned by the County of San Diego, while the remaining 0.18 ac would occur on property owned by the CDFW. See the enclosed figure. These minor land uses would not alter or affect any recreation activities at the lagoon. Coordination with the CDFW, DPR, and the SELC will continue to clarify the proposed use.

#### **Proposed De Minimis Finding**

Under any I-5 NCC Project alternative, the quantity of Reserve land proposed for use is extremely small at 0.79 acres. Access to existing trailheads and designated trails would remain open, and after project implementation would be enhanced. The visual character of the Reserve would not be measurably altered by the freeway widening. The existing noise levels in the Reserve range from 60 dBA to 67 dBA. With the project, future noise levels at the Reserve are projected to increase approximately 1 dBA from the existing noise levels. This 1 dBA increase would not be perceptible to the human ear. The increase in noise would not substantially

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increase the potential for noise to impact sensitive species. Therefore, increases in traffic-related noise would not be noticeable to park users and would not impair the wildlife habitat functions of the Reserve.

Areas of natural vegetation disturbed through construction would be restored with native plant species and mitigated at ratios agreed upon by the resource agencies as part of the overall mitigation plan for the proposed project. In recognition of the unique opportunities and value of comprehensive lagoon restoration activities for corridor lagoons, the mitigation plan called the Resource Enhancement Mitigation Program (REMP) includes large-scale lagoon ecosystem restoration and enhancement mitigation opportunities, which will result in significant ecological lift to the lagoon system. The mitigation opportunity includes potential funding for a large-scale lagoon restoration program in full for San Elijo Lagoon, which would be in addition to funds already contributed to previous and ongoing planning and technical evaluation activities necessary to facilitate and implement these lagoon restoration programs. Large-scale lagoon restoration in San Elijo Lagoon may include, but is not limited to, enhancement and restoration (both types) of wetland and other aquatic resources in the associated Lagoons. The intent of the large-scale lagoon restoration funding is to improve the ecological health and hydrological connectivity and to enhance critical coastal resources and habitats. The degraded upland coastal sage community located within the area for *de minimis* is currently included within the mitigation plan. The upland habitat would be mitigated outside of the lagoon at Dean and Deer Canyon mitigation sites.

Overall, it is expected that use of up to 0.23 acres for a permanent impact and 0.56 ac for a temporary construction easement of Reserve land would not adversely affect any of the activities, features, or attributes of the Reserve that qualify the resource for protection under Section 4(f) and is proposed as *de minimis*.

#### **Coordination between Caltrans/FHWA and the San Elijo Lagoon Conservancy**

In correspondence received from the SELC during the public comment period for the Draft Environmental Impact Report / Environmental Impact Statement for the Interstate 5 North Coast Corridor Project and the comment period for the Supplemental Draft Environmental Impact Report / Environmental Impact Statement for the Interstate 5 North Coast Corridor Project, the SELC did not protest regarding the *de minimis* findings made by Caltrans/FHWA.

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On April 3, 2013, Caltrans, on behalf of FHWA, met with CDFW, DPR, and SELC.

Since the project design is still in the preliminary phases, further coordination with the CDFW, DPR, and SELC will occur regarding the following:

- Continuing discussions on separation between pedestrians and bicyclists.
- Ensuring that access control coordination for signage and gates within the Reserve is continued. In particular, Solana Hills Drive and the NC Bike Trail.
- Continuing discussions in which existing trails should be tied into the bench trail under the south abutment.
- Continuing discussions to ensure trails and maintenance roads are open for use during construction.
- Working with all stakeholders on design details (fencing, retaining walls, signage, access, pavement surface, plants, and maintenance).
- Providing information on the cut and fill volumes associated with impacts to San Elijo triggered by Section 4(f).
- Continuing discussions regarding right-of-way exchange.

Furthermore, Caltrans acknowledges the CDFW, DPR, and SELC may identify other concerns besides those listed above. For that reason, Caltrans looks forward to continued coordination throughout the project lifecycle.

Caltrans is now requesting your written concurrence in this *de minimis* determination, as required under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). A signature block is provided at the bottom of this letter for your convenience. If you have any questions, please contact Shay Lynn Harrison, Chief, Environmental Analysis, Branch C, at (619) 688-0190.

Sincerely,



BRUCE L. APRIL  
Deputy District Director, Environmental


Enclosure

c: Shay Lynn M. Harrison, Chief, Environmental Analysis, Branch C

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San Elijo Lagoon Conservancy Concurrence with *De Minimis* Impact Finding for San Elijo  
Lagoon Reserve

The signature below represents written concurrence on the *de minimis* impact finding that the proposed Interstate 5 North Coast Corridor Project 8+4 Buffer Alternative would not adversely affect the activities, features, and attributes that qualify the property, San Elijo Lagoon, for protection under Section 4(f) within the City of Encinitas.

  
Mr. Doug Gibson  
Executive Director and Principal Scientist  
San Elijo Lagoon Conservancy

8-12-2013  
DATE

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