

DOCKETED

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Project Title:	Carlsbad Energy Center - Compliance
TN #:	204372
Document Title:	CalTrans FHWA I-5 Widening North Coast Corridor FEIS/FEIR - Part 4 (5 of 5)
Description:	N/A
Filer:	Patty Paul
Organization:	Locke Lord LLP
Submitter Role:	Applicant Representative
Submission Date:	4/24/2015 2:41:01 PM
Docketed Date:	4/24/2015

08/24/2006 09:38 FAX 7604315902

US FISH AND WILDLIFE

002



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92011



In Reply Refer To:
FWS-SDG-3819.9

AUG 24 2006

Ms. Susanne Glasgow
Deputy District Director
Environmental Division
Department of Transportation
2829 Juan Street
P.O. Box 85406, M.S. 46
San Diego, California 92110

Subject: Concurrence on Range of Alternatives for North Coast Interstate 5 Corridor Project

Dear Ms. Glasgow:

The U.S. Fish and Wildlife Service (Service) has received your letter dated August 1, 2006, requesting our concurrence on the range of alternatives for the North Coast Interstate 5 Corridor Project to be considered in the draft Environmental Impact Statement. Those alternatives include the 10+4 with Buffer, 10+4 with Barrier, 8+4 with Buffer, 8+4 with Barrier, and the No Build Alternative. You have also requested our concurrence on the removal of the 8+2HOV alternative from further review.

Information provided during previous meetings has given details on the reason for dropping the 8+2HOV alternative. The Service concurs with removing the 8+2HOV alternative from further consideration due to the projects futility in meeting future traffic needs. Also, the Service concurs on the list of alternatives for further consideration and acknowledges that a number of projects would continue to go forth in the No Build Alternative scenario.

If you have any questions with regards to this letter please contact Kurt Roblek of my staff (760-431-9440, ext. 308).

Sincerely,


Therese O'Rourke
Assistant Field Supervisor

Cc: Robert Hoffman, NOAA
Connell Dunning, EPA
Elizabeth Goldman, EPA
Stephanie Hall, Corps

TAKE PRIDE
IN AMERICA 

Figure 5-4.5: USFWS Concurrence with Range of Alternatives

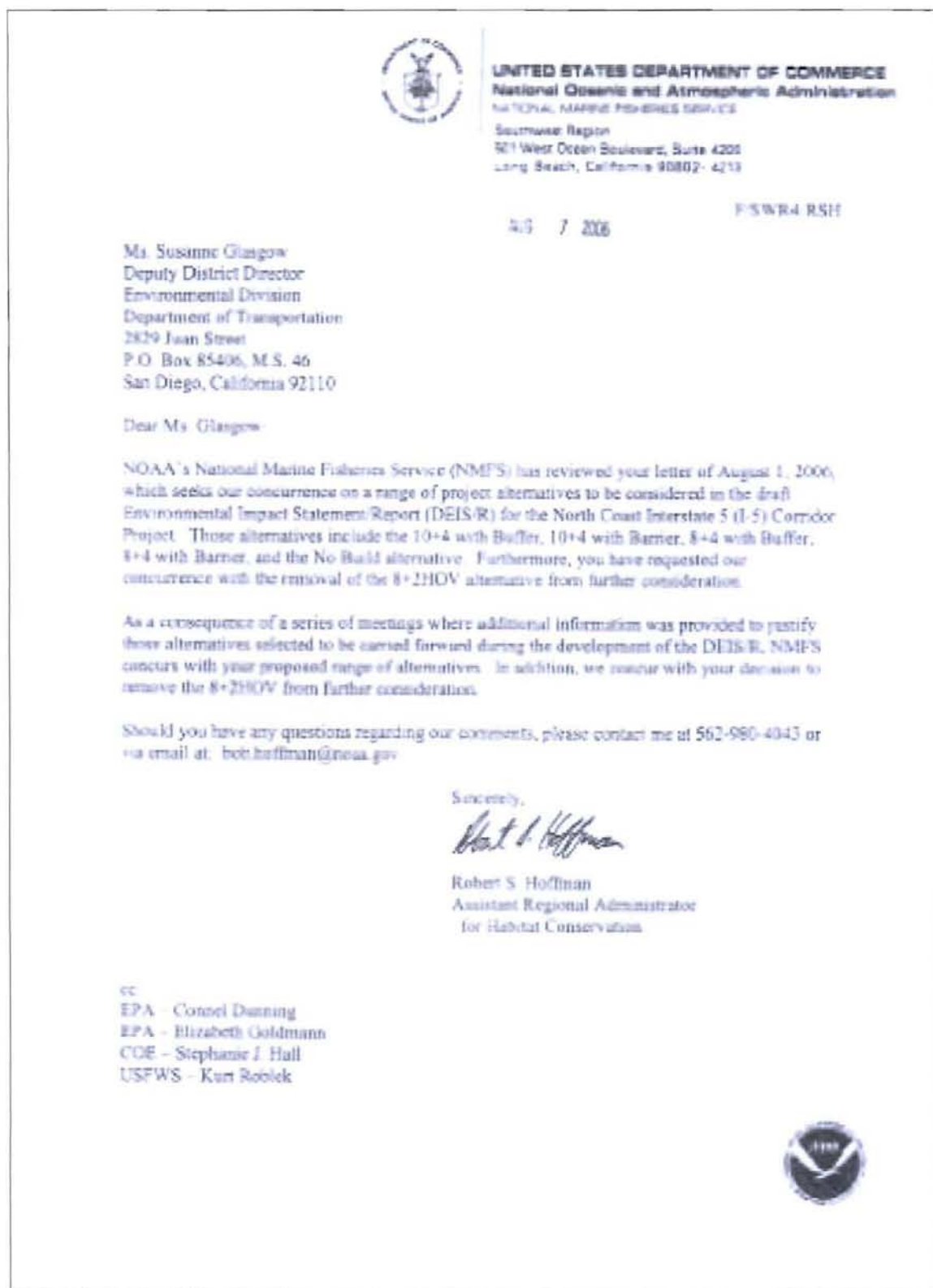


Figure 5-4.6: NOAA/NMFS Concurrence with Range of Alternatives



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF:

August 21, 2006

Office of the Chief
Regulatory Branch

California Department of Transportation, District 11
Attention: Susanne Glasgow, Deputy District Director
Environmental Division, MS-242
4050 Taylor Street
San Diego, CA 92110

Dear Ms. Glasgow:

At the request of the California Department of Transportation (Caltrans), the U.S. Army Corps of Engineers (USACE) has been asked to provide concurrence on a "Range of Project Alternatives" for the North Coast I-5 Corridor Project, located in northern coastal San Diego County, California. This request letter and supplemental information package was initially submitted and dated July 5, 2006 and subsequently revised and resubmitted on August 1, 2006.

We appreciate the opportunity for continued involvement on this project, and pursuant to the National Environmental Policy Act, Clean Water Act Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU), we are providing concurrence on the "Range of Alternatives" per your revised August 1, 2006 request. Your submittal provides the range of alternatives to be carried forward for detailed analysis in the Draft Environmental Impact Statement/Report (EIS/EIR). Your submittal also provides clarification of the "No Build Alternative", as well as projects that would be independent from the I-5 Corridor Project.

The "Range of Alternatives" to be carried forward in the Draft EIS/EIR includes the following: the 10+4 with Buffer Alternative, the 10+4 with Barrier Alternative, the 8+4 with Buffer Alternative, and the 8+4 with Barrier Alternative. The "No Build Alternatives" include the I-5/I-805 Widening, I-5/Genesee Avenue Interchange, I-5 Mid-Coast Free Improvements, I-805 North Improvements, SR-56 Improvements, SR-78 Improvements and the LOSSAN Rail Improvements. Projects that would be incorporated into the analysis of the I-5 Corridor Project or be separate projects to be initiated after a decision is rendered on the I-5 Corridor Project include the Sorrento Valley Road/Roselle Street, Manchester Interchange, Birmingham to Leucadia auxiliary lane, Encinitas Boulevard, and I-5/SR-78 Connector projects. The I-5/SR-56 Freeway Connectors, the Lomas Santa Fe Interchange, and the HOV Extension between San Dieguito River and San Elijo Lagoon Bridge are considered separate projects and would proceed independently.

Figure 5-4.7: USACE Concurrence with Range of Alternatives

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The next step in the NEPA/404 Integration Process is the preparation of the project Draft EIS/EIR. The Corps values our role as a Cooperating Agency for the proposed project and the opportunity to provide meaningful input and continued regulatory guidance with regard to on-going project efforts. If you have any questions, please contact Stephanie J. Hall of my staff at (213) 452-3410. Please refer to this letter and 200401089-SJH in your reply.

Sincerely,



David J. Castanon
Chief, Regulatory Branch

cc:
EPA-San Francisco (Connell Dunning)
EPA-San Francisco (Elizabeth Goldmann)
USFWS-Carlsbad (Kurt Roblek)
NOAA-Long Beach (Bob Hoffman)

Figure 5-4.7 (cont.): USACE Concurrence with Range of Alternatives



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

 75 Hawthorne Street
 San Francisco, CA 94105-3901

 Lisa Cathcart-Randall
 Team Leader - South Region
 Federal Highway Administration
 650 Capitol Mall, Suite 4-100
 Sacramento, CA 95814

 Suzanne Glasgow
 California Department of Transportation
 District 11, MS-242
 4050 Taylor Street
 San Diego, CA 92110

Subject: Concurrence on Range of Alternatives for North Coast I-5 Corridor Project

Dear Ms. Cathcart-Randall and Ms. Glasgow:

This letter responds to your dated August 1, 2006 letter requesting concurrence on Range of Alternative to be analyzed in the Draft Environmental Impact Statement (EIS) for the North Coast I-5 Corridor Project in San Diego, CA (enclosed). The request is pursuant to the National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding, 2006 (NEPA/404 MOU).

The U.S. Environmental Protection Agency (EPA) offers its concurrence on the Range of Alternatives listed below and further described in the enclosed August 1, 2006 letter. As discussed in the I-5 Corridor Project Interagency meetings, these alternatives will be analyzed in the Draft EIS to be completed for this project:

- 10+4 with Buffer Alternative
- 10+4 with Barrier Alternative
- 8+4 with Buffer Alternative
- 8+4 with Barrier Alternative

We commend the California Department of Transportation (Caltrans) and Federal Highway Administration (FHWA) for responding to our concerns regarding other projects within the I-5 Corridor (see enclosed table, *Proposed Projects Along North Coast Interstate 5 Corridor*). As noted in previous interagency meetings, EPA, as well as U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and National Marine Fisheries Service, have expressed concerns that decisions resulting from other projects within the study area along I-5 may preclude the consideration of a range of reasonable alternatives for the North Coast I-5 Corridor Project. Caltrans and FHWA have provided additional information on the independent utility and logical termini for those projects, including information on whether they would preclude evaluation of alternatives for I-5. We have agreed with the independent utility of the 5/56 Freeway Connectors, the Lomas Santa Fe Interchange, and the HOV Extension between San Dieguito River and San Elijo Lagoon Bridge. We agree with the decision to either incorporate the analysis of the Sorrento Valley Road/Roselle Street, Manchester Interchange, Birmingham to Leucadia auxiliary lane, Encinitas Boulevard, and 5/78 Connectors into the

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Figure 5-4.8: USEPA Concurrence with Range of Alternatives

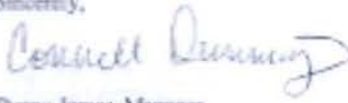
analysis of the North Coast project, or to analyze the projects separately after a decision is rendered on the North Coast project.

We note that during Interagency meetings, the California Coastal Commission has continued to raise concerns related to the potential impacts to coastal resources from the proposed project alternatives. We encourage Caltrans and FHWA to continue coordinating with the California Coastal Commission regarding its concerns, and support inclusion of any additional design modifications to further avoid and minimize coastal impacts. We also support additional alternatives be analyzed in the Draft EIS should a broader range of alternatives be needed to satisfy state requirements.

As a next step, and as described in the NEPA/404 MOU, EPA will review the Draft EIS. We are available to continue working with the Interagency Group to further refine the design of project alternatives to increase measures to avoid and minimize impacts to resources. In addition, we would like to continue being involved in conceptual mitigation discussions.

Thank you for requesting our concurrence on the range of alternatives to be analyzed in the Draft EIS. If you have any questions or comments, please contact me at (415) 972-3988 or Connell Dunning of my staff at (415) 947-4161 or at Dunning.Connell@epa.gov.

Sincerely,



Duane James
 Duane James, Manager
 Environmental Review Office

Enclosure: Caltrans Request for Concurrence

Cc: Suzanne Glasgow, California Department of Transportation
 Tami Grove, California Coastal Commission
 Pam Beare, California Department of Fish and Game
 Stephanie Hall, U.S. Army Corps of Engineers
 Kurt Rohlek, U.S. Fish and Wildlife Service
 Bob Hoffman, National Oceanic and Atmospheric Administration
 Richard Chavez, SANDAG

Figure 5-4.8 (cont.): USEPA Concurrence with Range of Alternatives



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009



In Reply Refer To:
FWS-SDG-3819.7

MAY 25 2005

Mr. Gene K. Fong
Division Administrator
U.S. Department of Transportation
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, California 95814

Re: North Coast Interstate 5 Corridor Project – Request for Concurrence on Screening Criteria

Dear Mr. Fong:

We are responding to your April 28, 2005, electronic mail message received on April 28, 2005, requesting U.S. Fish and Wildlife Service (Service) concurrence through the Nation Environmental Policy Act and Clean Water Act Section 404 Integration Process (NEPA/404 Integration Process) for Surface Transportation Projects in Arizona, California, and Nevada (1993) on the Screening Criteria for the North Coast Interstate 5 Corridor Project.

The Service has been extensively involved in the NEPA/404 Integration Process for the North Coast Interstate 5 Corridor Project. The Service concurs with the April 28, 2005, version of the Screening Criteria for the North Coast Interstate 5 Corridor Project.

TAKE PRIDE
IN AMERICA 

Figure 5-4.9: USFWS Concurrence with Criteria Matrix

Mr. Gene K. Fong (FWS-SDG-3819.7)

2

If you have any questions or concerns about this correspondence, please contact John DiGregoria of my staff at (760) 431-9440, extension 208.

Sincerely,



Therese O'Rourke
Assistant Field Supervisor

cc: Charles "Muggs" Stoll, Deputy District Director Environmental Division, Caltrans
District 11 Office

Figure 5-4.9 (cont.): USFWS Concurrence with Criteria Matrix

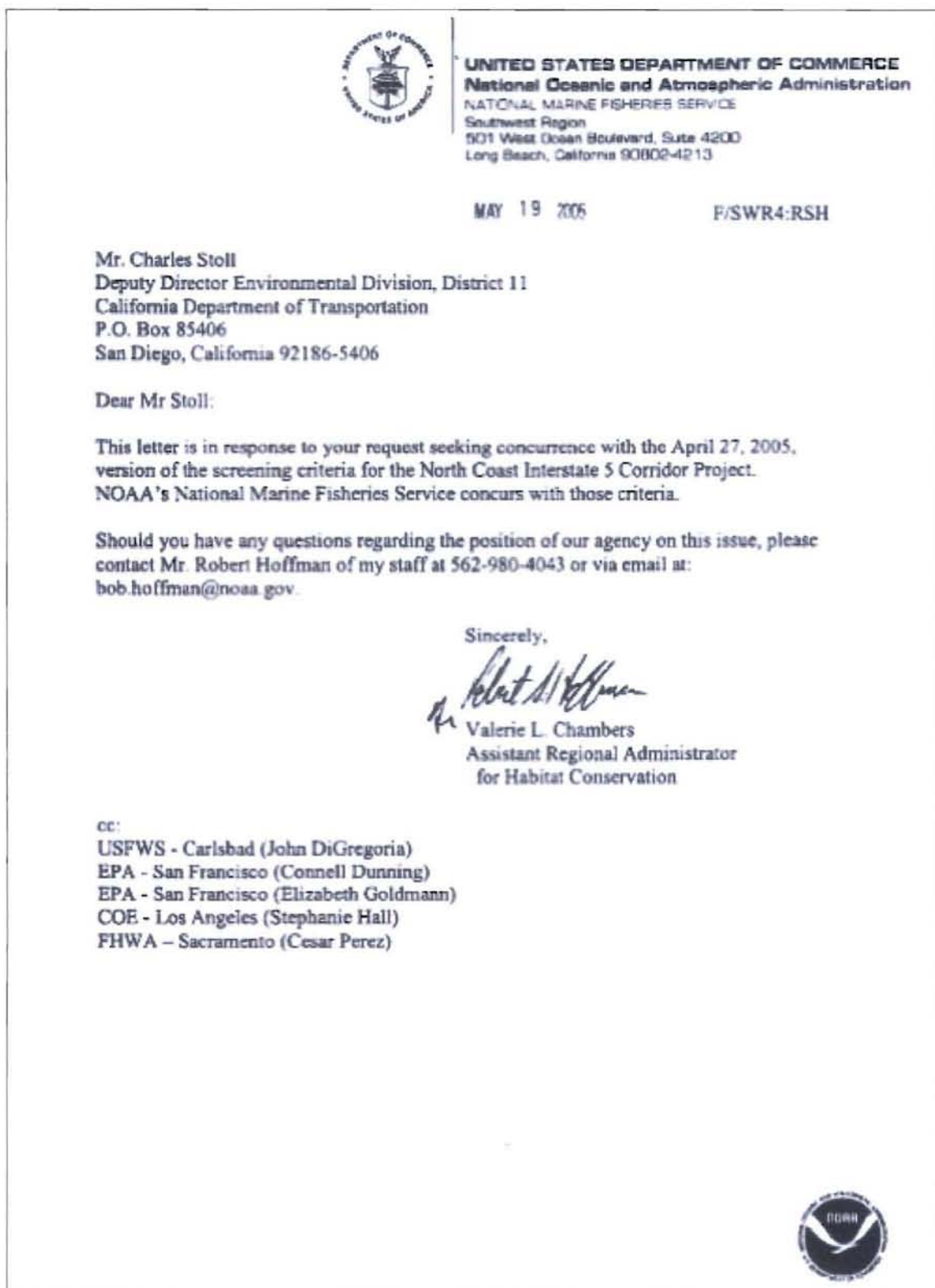


Figure 5-4.10: NOAA/NMFS Concurrence with Criteria Matrix



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

June 29, 2005

REPLY TO
ATTENTION OF:

Office of the Chief
Regulatory Branch

Cesar E. Perez
Team Leader-South Region
Federal Highway Administration, California Division
650 Capitol Mall, Suite 4-100
Sacramento, California 95814

Subject: Concurrence on Screening Criteria for North Coast I-5 Corridor Project

Dear Mr. Perez:

At the request of the Federal Highways Administration (FHWA) and the California Department of Transportation (Caltrans), the U.S. Army Corps of Engineers (USACE) has been asked to provide concurrence on Screening Criteria for the North Coast I-5 Corridor Project, San Diego, California.

We appreciated the opportunity for continued involvement on this project, and pursuant to the National Environmental Policy Act Clean Water Act section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU), we are providing concurrence on the Screening Criteria for the North Coast I-5 Corridor Project as revised and submitted on April 28, 2005. The document provides evaluation criteria and measured parameters to be used in the identification of alternatives best suited to be carried forward for detailed analysis in the Draft Environmental Impact Statement/Report (EIS/EIR).

The next step in the NEPA/404 Integration Process is to identify a range of alternatives to be included in the Draft EIS/EIR. We anticipate the opportunity to incorporate the concerns of this agency in specific regard to the issue of independent utility related to several projects planned along the I-5 Corridor. The Corps, as well as other Federal and State resource agencies, has expressed concern that decisions resulting from these projects may preclude the consideration of a range of reasonable alternatives for the North Coast I-5 Corridor Project. Although supplemental information has been provided addressing this issue, the decision of whether to incorporate some, all, or none of these projects into the larger I-5 project is on-going.

Figure 5-4.11: USACE Concurrence with Criteria Matrix

-2-

Once again, we appreciate this opportunity for continued involvement in the development of this project. If you have any questions, please contact Stephanie J. Hall of my staff at (213) 452-3410. Please refer to this letter and 200401089-SJH in your reply.

Sincerely,



David J. Castanon
Chief, Regulatory Branch

cc:
EPA (Connell Dunning)
EPA (Elizabeth Goldmann)
USFWS (John DiGregoria)
NOAA (Robert Hoffman)
Caltrans (Gladys Baird)

Figure 5-4.11 (cont.): USACE Concurrence with Criteria Matrix

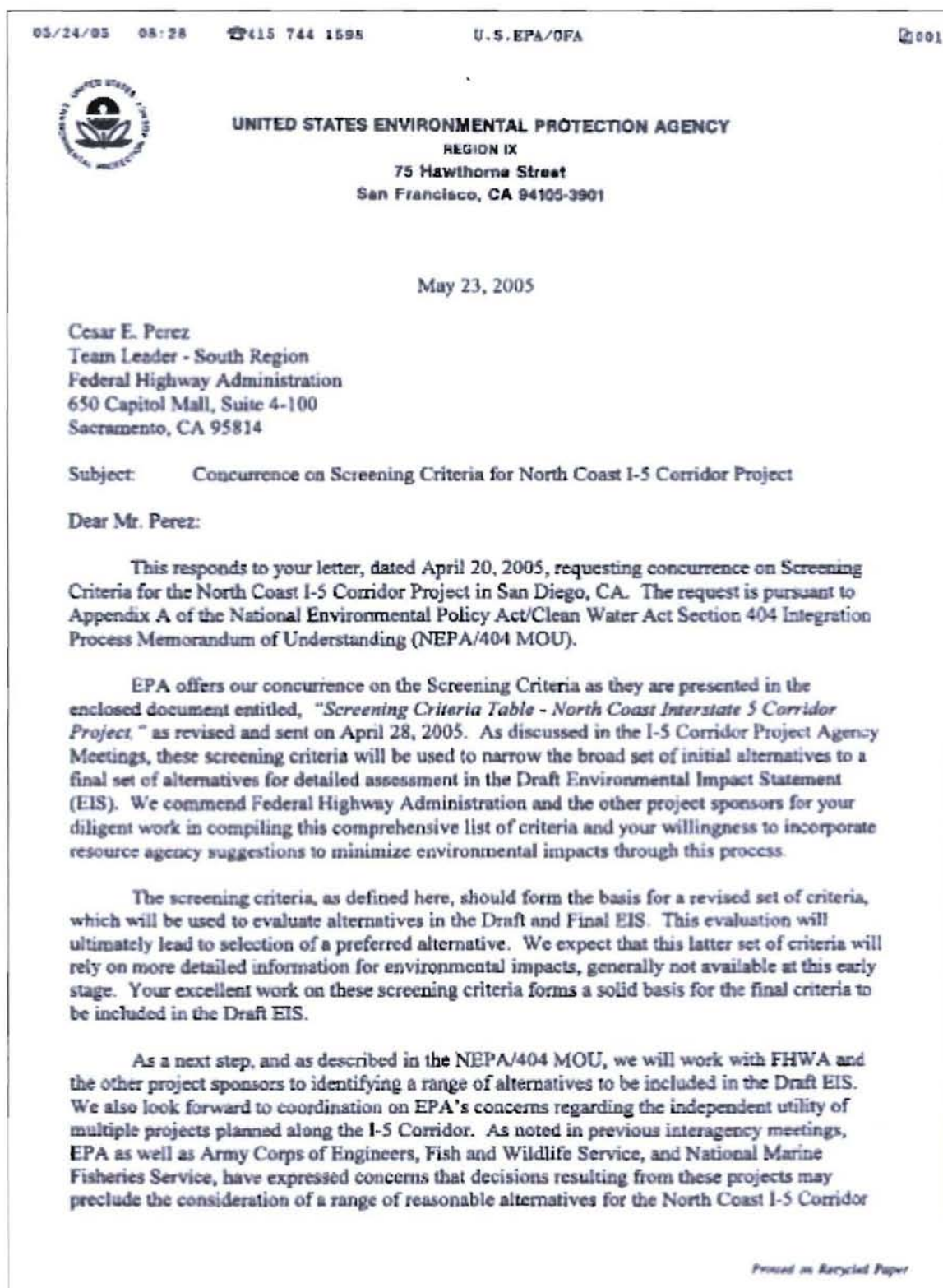


Figure 5-4.12: USEPA Concurrence with Criteria Matrix

05/24/01 08:28 415 744 1598

U.S. EPA/OFA

002

Project (I-5). Caltrans and FHWA have provided additional information on the independent utility and logical termini for those projects, including information on whether they would preclude evaluation of alternatives for I-5. We have agreed with the independent utility of the State Route 56 Improvement Project in the City of San Diego but have remaining concerns with several interchange projects along the corridor, especially at Manchester. EPA is meeting with FHWA and Caltrans to discuss whether these other projects should be incorporated into, or separated from, the I-5 project. We appreciate the efforts by Caltrans and FHWA on this matter.

Thank you for requesting our agreement on Screening Criteria to identify alternatives that will be analyzed in the Draft EIS. If you have any questions or comments, please contact me or Connell Dunning of my staff at (415) 947-4161 or at Dunning.Connell@epa.gov.

Sincerely,



Nova Blazej, Acting Manager
Environmental Review Office

Enclosure: Screening Criteria Table

Cc: Charles "Mugs" Stoll, California Department of Transportation
John DiGregoria, Fish and Wildlife Service
Stephanie Hall, Army Corps of Engineers
Bob Hoffman, National Marine Fisheries Service
Tami Grove, California Coastal Commission
Pam Beare, California Department of Fish and Game

Figure 5-4.12 (cont.): USEPA Concurrence with Criteria Matrix

05/24/05	08:28	415 744 1598	U.S. EPA/OFA	003
Screening Criteria Table - North Coast Interstate 5 Corridor Project				
Evaluation Criteria		Measured Parameter		
1. Traffic Flow and Congestion Relief		Total hours of vehicle travel; daily vehicle hours of delay compared to No Build; LOS (A, B, C ...); Peak Period Miles of LOS F; Origin-Destination Travel Times along I-5 corridor		
2. Compatible with future bus rapid transit and other modal options		Accommodate mass transit included in 2030 RTP		
3. Impacts to FEMA 100-year floodplains		Acres		
4. Impacts to Waters of the U.S. including wetlands and coastal lagoons		Acres directly and indirectly affected		
5. Impacts to Waters of the State including wetlands		Acres directly and indirectly affected		
6. Impacts to Coastal Commission wetlands		Acres directly and indirectly affected Effects on hydrology (sedimentation) and tidal circulation		
7. Impacts to transitional/upland habitats associated with wetlands and shading of wetlands		Acres permanently and temporarily affected		
8. Impacts to Federal and State T and E plant species		Species directly and indirectly affected		
9. Impacts to Federal and State T and E animals species		Species directly and indirectly affected		
10. Impacts to Federal and State listed T and E habitat		Acres of habitat directly and indirectly affected		
11. Impacts to existing permitted restoration efforts		Acres of existing restoration efforts directly and indirectly affected		
12. Impacts to biological core areas and linkages including those in NOCP areas		Yes/No		
13. Economic impacts to the region		Hours of delay times average cost per hour of delay		
14. Impacts to Environmental Justice communities		Yes/No, number of communities affected		
15. Residential units displaced		Number of residential units		
16. Community Connectivity		Number and type of facility that can restore connectivity		
17. Businesses displaced		Number of businesses		
18. New Right of Way		Acres acquired		
19. Project Cost-including Right of Way acquisition and construction		Total Cost (in millions)		
20. Estimated biological mitigation costs		Total Cost/Acre		
21. Number of 4(f) resources affected		Name/type of resource/acres affected		
22. Eligible and listed cultural resource sites affected		Number of eligible and number of listed sites		
23. Noise Impacts		Number of receptor sites that exceed Noise Abatement Criteria		
24. Visual Impacts		Square footage of walls Effects on public views of ocean/scenic resource areas		
25. Median planting remain		Yes/No and type of planting		
26. Mature Tree Removal		Number and type of trees		
27. Maintainability of Facility		High/Medium/Low		
28. Geometric Design Standards		Number of design exceptions/type		
29. Consistency with local land use and circulation plans		Plans non-conforming		
30. Water Treatment		Water Quality Standards		
31. Hazardous Wastes		Number of known sites		
32. Air Quality		Number of residences and sensitive receptors within 100 meters of the freeway and number of VMT		

Figure 5-4.12 (cont.): USEPA Concurrence with Criteria Matrix



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
 Carlsbad Fish and Wildlife Office
 2177 Salk Avenue, Suite 250
 Carlsbad, California 92008



In Reply Refer To:
 FWS-SDG-08B0100-13 CPA0203

JUN 18 2013

Ms. Kim Smith
 Chief, Environmental Stewardship Branch
 California Department of Transportation
 4050 Taylor Street
 San Diego, California 92110

Subject: Request for Concurrence on the Least Environmentally Damaging Practicable Alternative and Mitigation Plan for the I-5 North Coast Corridor Project, San Diego County, California

Dear Ms. Smith:

We have reviewed your request dated April 29, 2013, for our concurrence on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) and Mitigation Plan (Resource Enhancement and Mitigation Program – REMP) for the I-5 North Coast Corridor Project, pursuant to the National Environmental Policy Act/Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects in California Memorandum of Understanding (NEPA/404 MOU). The California Department of Transportation (Caltrans) has assumed Federal Highway Administration's responsibilities with regard to environmental review, consultation, and NEPA compliance for this project in accordance with Section 6005 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) 2005, as described in the NEPA Delegation Pilot Program Memorandum of Understanding between FHWA and Caltrans (effective July 1, 2007), and codified in 23 U.S.C. 327(a)(2)(A).

We appreciate the coordination that has occurred on this project, including your consideration of the numerous concerns that the resource agencies have raised regarding the project and the associated mitigation measures. By transmittal of this letter, we provide our agreement that the 8 + 4 with Buffer Alternative, as described in your April 29, 2013, letter, is the Preliminary LEDPA for the I-5 North Coast Corridor Project. We also agree that the REMP meets your compensatory mitigation obligation for impacts to wetlands and uplands, although many of the details regarding the coastal lagoon restoration projects are un-resolved. We look forward to continuing to coordinate on the development and implementation of the restoration plans for the coastal wetlands.

For clarification purposes, our agreement should not be construed as support for all of the proposed community enhancement projects. We request that the resource agencies be given



Figure 5.4-13: USFWS Concurrence with LEDPA

Ms. Kim Smith (FWS-SDG-08B0100-13CPA0203)

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further opportunity to review and comment on the location and extent of new trails and staging areas proposed within the lagoons, as well as design plans for the proposed wildlife connectivity features under the bridges.

We appreciate Caltrans commitment to continue to work closely with the resource agencies to further refine the design of the I-5 North Coast Corridor Project to avoid and minimize impacts to sensitive species and habitats. Thank you for the opportunity to participate in the transportation planning process; we look forward to our continued coordination in these matters. If you have any questions regarding this letter, please contact Susan Wynn of this office at 760-431-9440, extension 216.

Sincerely,



Karen A. Goebel
Assistant Field Supervisor

cc:

Stephanie Hall, Corps of Engineers, Los Angeles, CA
Connell Dunning, Environmental Protection Agency, San Francisco, CA
Elizabeth Goldmann, Environmental Protection Agency, San Francisco, CA

Figure 5.4-13 (cont.): USFWS Concurrence with LEDPA



UNITED STATES DEPARTMENT OF COMMERCE
 National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE

Southwest Region
 501 West Ocean Boulevard, Suite 4200
 Long Beach, California 90802-4213

MAY 28 2013

In response, refer to:
 2012/09268

Kim T. Smith, Chief
 Environmental Stewardship/Ecological Services Branch
 California Department of Transportation
 District 11
 4050 Taylor Street, M.S. 242
 San Diego, California 92110

NOAA's National Marine Fisheries Service (NMFS) has reviewed the Administrative Draft for the Final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Interstate 5 (I-5) North Coast Corridor Project, the draft response to our comments dated November 19, 2010, on the Draft EIR/EIS, and the Caltrans letter requesting agency concurrence on the preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) and the Resource Enhancement and Mitigation Plan (REMP).

NMFS believes the draft response to our comments adequately addresses issues raised in our 2010 letter. NMFS has no additional, substantive comments to provide regarding the Final EIR/EIS, but is providing some clarifying comments regarding our interagency consultation process. On page 3.20-6, the Final EIR/EIS includes a paragraph discussing the essential fish habitat (EFH) consultation pursuant to the Magnuson-Stevens Fishery Conservation and Management Act and the consultation for endangered steelhead trout pursuant to Section 7 of the Endangered Species Act (ESA). NMFS would like to clarify that your EFH consultation requirement was satisfied by your January 3, 2013, response in which Caltrans adequately incorporated our EFH conservation recommendations. Assuming continued coordination on implementation of the REMP, NMFS has no additional comments to provide regarding EFH. As a matter of clarification, NMFS concluded Section 7 consultation in accordance with 50 CFR 402.13 (a) for the proposed project on May 16, 2013. NMFS recommends that the Final EIS/EIR reference the EFH and ESA consultations under separate headings given the different underlying issues and statutes.

NMFS appreciates the interagency coordination and Caltrans' approach to address adverse impacts associated with the proposed project. We concur that 8 + 4 with Buffer Alternative is the LEDPA and that the REMP provides the appropriate framework for meeting mitigation obligations for impacts to NMFS trust resources. We look forward to continued engagement on REMP implementation.

Thank you for consulting with NMFS. If you have any questions associated with our comments, please contact Bryant Chesney at (562) 980-4037 or Bryant.Chesney@noaa.gov.

Sincerely,

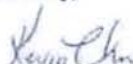

 for William W. Stelle, Jr.
 Acting Regional Administrator



Figure 5.4-14: NOAA/NMFS Concurrence with LEDPA



DEPARTMENT OF THE ARMY

Los Angeles District, Corps of Engineers
P.O. Box 532711
Los Angeles, California 90053-2325

July 15, 2013

REPLY TO
ATTENTION OF:

Office of the Chief
Regulatory Division

Kim T. Smith, Chief, Environmental Stewardship Branch
California Department of Transportation, District 11
ATTN: Sandra Lavender
4050 Taylor Street, MS-242
San Diego, California 92110

Subject: I-5 North Coast Corridor (I-5 NCC) Project, Request for Agency Concurrence on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) and the Conceptual Mitigation Plan (Resource Enhancement and Mitigation Program)

Dear Ms. Smith:

The U.S. Army Corps of Engineers (Corps) is responding to the California Department of Transportation (Caltrans) request, dated April 29, 2013, for concurrence on the "Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA)" and the "Conceptual Mitigation Plan", known as the Resource Enhancement and Mitigation Program (REMP), for the Interstate (I) 5 North Coast Corridor Project, San Diego County, California.

In accordance with the *National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects Memorandum of Understanding (NEPA/404 MOU)*, you sent a request for our concurrence on the "Preliminary LEDPA" and the "Conceptual Mitigation Plan" (REMP), to complete our third checkpoint in the NEPA/404 MOU process. To support the preliminary LEDPA determination, you submitted to us a draft section 404(b)(1) alternatives analysis; and as you know, we have reviewed more than one version of the document, with the latest version provided to us by electronic mail on May 29, 2013.

The Corps concurs, based on on-going resource and regulatory agency meetings and the review of draft documents to date, that the Caltrans-identified "Preferred Alternative, 8+4 with

Figure 5.4-15: USACE Concurrence with LEDPA

-2-

Buffer", as described in the Draft Environmental Impact Report/Statement (EIR/S), and further refined in the Supplemental EIR/S to minimize impacts, is the "Preliminary LEDPA". However, this concurrence is based on Caltrans incorporating our latest changes into the draft section 404(b)(1) alternatives analysis document, which, when finalized, will provide the basis for the Corps to make a final LEDPA determination in our Record of Decision.

The Corps also concurs that the conceptual mitigation plan, known as the REMP, is adequate in establishing a framework for addressing compensatory mitigation for project-associated impacts to waters of the U.S. consistent with the included implementation schedule. Moreover, as discussed in the REMP, site-specific plans and other documents, including Habitat Mitigation and Monitoring Plans for each proposed establishment, restoration, and/or enhancement of aquatic resources, will have to be prepared and approved by the Corps and other applicable agencies prior to implementing each of the REMP's compensatory mitigation projects.

The Corps has provided early and consistent input on this proposed project and alternatives via our participation in the I-5 NCC Working Group, which includes representatives of Federal and State resource and regulatory agencies. The Corps appreciates the opportunities Caltrans has provided for reviews and feedback on this project and alternatives via the Working Group. We thank you for requesting our agreement on the preliminary LEDPA and the REMP, and we look forward to our continued partnership in concluding the NEPA/404 MOU process for this project.

If you have any questions, please contact Stephanie Hall of my staff at 213-452-3410 or via e-mail at Stephanie.J.Hall@usace.army.mil. Please refer to this letter and SPL-2004-01089-SJH in your reply.

Sincerely,



Mark D. Cohen
Deputy Chief, Regulatory Division

"Building Strong and Taking Care of People!"

Figure 5.4-15 (cont.): USACE Concurrence with LEDPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

JUN 10 2013

Manuel Sanchez
Federal Highway Administration
401 B Street, Suite 800
San Diego, California 92101

Subject: EPA Concurrence on the Preliminary Least Environmentally Damaging Practicable Alternative and Conceptual Mitigation Plan for the Interstate 5 North Coast Corridor Improvement Project

Dear Mr. Sanchez:

The U.S. Environmental Protection Agency (EPA) has reviewed the request for concurrence on the Preliminary Least Environmentally Damaging Practicable Alternative and Conceptual Mitigation Plan for the Interstate 5 North Coast Corridor Project. Our review is pursuant to the National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects in California (NEPA/404 MOU). EPA is both a "Cooperating Agency and a "Participating Agency" (as defined in 23 USC 139) for this project.

EPA previously rated the Draft EIS and the Supplemental Draft EIS for this project as *Environmental Concerns – Insufficient Information* (EC-2), provided comments on an Administrative Draft of the Final EIS, and provided concurrence on the Purpose and Need and Range of Alternatives to be analyzed in the EIS.

Following our review of the 404(b)1 package and Mitigation Plan materials submitted, coordination at interagency meetings, and previous correspondence to date, EPA provides concurrence that the 8+4 with Buffer Alternative is the preliminary least environmentally damaging practicable alternative. EPA also concurs with the conceptual mitigation plan (Resource Enhancement and Mitigation Program).

While we are providing concurrence with the preliminary LEDPA and conceptual mitigation plan, through this letter we reiterate the importance of demonstrating compliance with EPA's 404(b)1 Guidelines through analysis of the direct, indirect and cumulative impacts to waters of the U.S. (40 CFR 230.11 (h)). For unavoidable indirect impacts to waters, Caltrans must provide compensatory mitigation (40 CFR 230.10 (d)). Only when this analysis has been performed can the applicant or the resource and regulatory agencies be assured that no discharge other than the practicable alternative with the least impact on the aquatic ecosystem has been selected (40 CFR 230.10(a)). We continue to recommend that FHWA and Caltrans clarify and quantify the indirect impacts to waters of the U.S., where feasible, and propose compensatory mitigation for any unavoidable, indirect impacts. The description of the approach for compensatory mitigation outlined in the Final EIS should reflect the most current description of mitigation under the Resource Enhancement and Mitigation Program.

Further, we understand that Caltrans and FHWA have been corresponding with the Army Corps of Engineers to integrate additional edits to the 404(b)1 Package and REMP. At your earliest convenience, please submit to us the final version of those documents with additional edits incorporated so that we can confirm that our concurrence is still valid.

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Figure 5.4-16: USEPA Concurrence with LEDPA

Thank you for coordinating through the NEPA/404 MOU process. We look forward to continuing to work with you and Caltrans for the remainder of the environmental review and permitting process for this project. If you have any questions on our comments, please contact me at 415-947-4161 or Elizabeth Goldmann (415-972-3398), the lead reviewers for this project.

Sincerely,



Connell Dunning, Transportation Team Supervisor
Environmental Review Office
Communities and Ecosystems Division

cc via Email: Shay Lynn Harrison, California Department of Transportation
Kim Smith, California Department of Transportation
John Chisholm, California Department of Transportation
Stephanie Hall, U.S. Army Corps of Engineers
Susan Wynn, U.S. Fish and Wildlife Service
Bryant Chesney, National Marine Fisheries Service
Tami Grove, California Coastal Commission
Tim Dillingham, California Department of Fish and Game
Mike Porter, California Regional Water Quality Control Board San Diego Region

Figure 5.4-16 (cont.): USEPA Concurrence with LEDPA

From: Shawna Anderson [<mailto:shawna@sdrp.org>]
Sent: Wednesday, May 22, 2013 10:34 AM
To: Harrison, Shay Lynn M@DOT
Cc: Dick Bobertz; 'Susan Carter'
Subject: North Coast Bike Trail 4(f) concurrence

Hi Shay,

The San Dieguito River Park JPA Board at their May 17 meeting concurred with the I-5 NCC Project's use of SDRP 4(f) property for the North Coast Bike Trail, with the condition that it connect to the Coast to Crest Trail and that Caltrans work with the JPA on the design details for that connection.

Please let me know if you need something more formal from us for your concurrence requirement.

Thanks!

Shawna

Shawna Anderson, AICP

Principal Planner

San Dieguito River Park JPA

18372 Sycamore Creek Rd

Escondido, CA 92025

858-674-2275, ext 13

FAX 858-674-2280

www.sdrp.org

Figure 5-5.1: San Dieguito River Park Concurrence on Section 4(f) Exemption

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 11

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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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Figure 5-5.2: CDFW Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

Mr. Edmund Pert
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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 (mi²) 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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Figure 5-5.2 (cont.): CDFW Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

Mr. Edmund Pert
 August 27, 2013
 Page 3

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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Figure 5-5.2 (cont.): CDFW Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

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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Figure 5-5.2 (cont.): CDFW Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

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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Figure 5-5.2 (cont.): CDFW Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

**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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Figure 5-5.2 (cont.): CDFW Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BRUNY, Jr., Governor

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 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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**Figure 5-5.3: County of San Diego Parks and Recreation Concurrence on Section 4(f)
 De Minimis Finding for San Elijo Lagoon**

Mr. Brian Albright, Director
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(h)).

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 (mi²) 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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Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

Mr. Brian Albright, Director
August 1, 2013
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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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Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) De Minimis Finding for San Elijo Lagoon

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August 1, 2013
Page 4

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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Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) De Minimis Finding for San Elijo Lagoon

Mr. Brian Albright, Director
 August 1, 2013
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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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Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) De Minimis Finding for San Elijo Lagoon

Mr. Brian Albright, Director
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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 2c) 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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Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) De Minimis Finding for San Elijo Lagoon

Mr. Brian Albright, Director
 August 1, 2013
 Page 7

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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Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) De Minimis Finding for San Elijo Lagoon

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.
- 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.

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Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) De Minimis Finding for San Elijo Lagoon

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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Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

Mr. Brian Albright, Director
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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Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

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
 TTY: 711
 www.dot.ca.gov

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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.

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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Figure 5-5.4: San Elijo Lagoon Conservancy Concurrence on Section 4(f) De Minimis Finding for San Elijo Lagoon

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 (mi²) 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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Figure 5-5.4 (cont.): San Elijo Lagoon Conservancy Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

Mr. Doug Gibson
August 6, 2013
Page 3

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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Figure 5-5.4 (cont.): San Elijo Lagoon Conservancy Concurrence on Section 4(f) De Minimis Finding for San Elijo Lagoon

Mr. Doug Gibson
August 6, 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 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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Figure 5-5.4 (cont.): San Elijo Lagoon Conservancy Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

Mr. Doug Gibson
August 6, 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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Figure 5-5.4 (cont.): San Elijo Lagoon Conservancy Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

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

California Department of Transportation

Figure 5-5.4 (cont.): San Elijo Lagoon Conservancy Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

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
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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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Figure 5-5.5: City of Carlsbad Concurrence on Section 4(f) De Minimis Finding for Agua Hedionda Lagoon

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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Figure 5-5.5 (cont.): City of Carlsbad Concurrence on Section 4(f) *De Minimis* Finding for Agua Hedionda Lagoon

Mr. Skip Hammann
April 30, 2013
Page 3

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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Figure 5-5.5 (cont.): City of Carlsbad Concurrence on Section 4(f) De Minimis Finding for Agua Hedionda Lagoon

Mr. Skip Hammann
April 30, 2013
Page 4

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

"Caltrans improves mobility across California"

Figure 5-5.5 (cont.): City of Carlsbad Concurrence on Section 4(f) *De Minimis* Finding for Agua Hedionda Lagoon

Mr. Skip Hammann
April 30, 2013
Page 5

Enclosure

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

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Figure 5-5.5 (cont.): City of Carlsbad Concurrence on Section 4(f) *De Minimis* Finding for Agua Hedionda Lagoon

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

5/6/13
DATE

"Caltrans improves mobility across California"

Figure 5-5.5 (cont.): City of Carlsbad Concurrence on Section 4(f) *De Minimis* Finding for Agua Hedionda Lagoon

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942818
SACRAMENTO, CA 95834-0018
(916) 653-1824 Fax: (916) 653-1824
calshpo@dhps.parks.ca.gov
www.calshpo.parks.ca.gov



March 17, 2008

Reply To: FHWA070320A

Gene K. Fong, Division Administrator
Federal Highway Administration
California Division
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Re: Finding of Effect for the Proposed I-5 North Coast Corridor Project, San Diego
County, CA

Dear Mr. Fong:

Thank you for consulting with me about the subject undertaking in accordance with the *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (PA)*.

The Federal Highway Administration (FHWA) requested a finding of effect for the above cited undertaking. An inventory and determinations of eligibilities had been previously forwarded for our comments.

The undertaking will affect both archeological and built environment resources. While effects to most historic properties can be avoided either by conditions or design, two archeological properties will be adversely affected. While Caltrans' request makes various effects determination, the undertaking will have an adverse effect. I concur with this finding.

The adverse effects to the two archeological sites are the results of construction of sound walls. Caltrans proposes to mitigate these effects through data recovery and design of the sound walls. The sound walls are proposed in portions of the sites which show evidence of surface and to some extent, subsurface disturbance. The walls have been designed to limit deep disturbance through placement of footings every eight feet rather than continuous. Data recovery will be limited to the ADI and will focus on those areas where footings are proposed and the most intact archeological resources are present.

Caltrans has included an ESA Action Plan, two research designs and a draft MOA with their finding of effect. The research designs and the ESA Action Plan seem reasonable. My only question is why these three separate documents are not incorporated into a single historic property treatment plan? Caltrans proposes to add the ESA Action Plan

Figure 5-5.6: SHPO Coordination

Mr. Fong
March 17, 2008
Page 2 of 2

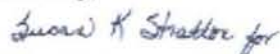
as a construction stipulation, but for the purposes of the MOA, it would be cleaner and simpler to incorporate all of these documents into a single plan.

The MOA would benefit from three major changes. First, does FHWA plan to participate in this MOA or should it be formatted for Caltrans to participate as the Agency Official? If the latter is the case, the MOA should include reference to the MOU delegating Caltrans such authority. Second, as noted above, by incorporating the two research designs and ESA Action Plan into a single Historic Property Treatment Plan would make the MOA much simpler. The HPTP could become an appendix to the MOA and the citation could provide for changes to the plan without amending the MOA. Reference to treatment of individual properties would be added to the plan and not called out in the MOA. Finally, the MOA should use standard administrative stipulations which are found in most of OHPs MOAs and PAs rather than the ones proposed. Other editorial changes are necessary such as Caltrans agreeing to implement the stipulations of the agreement document.

In summary, given the limited nature of the adverse effects, the proposed treatment of historic properties is reasonable.

Thank you for considering historic properties as part of your project planning. If you have any questions, please contact Dwight Dutschke of my staff at your earliest convenience at (916) 653-9134 or e-mail at ddutschke@parks.ca.gov or Natalie Lindquist at (916) 654-0631 or e-mail at nlindquist@parks.ca.gov.

Sincerely,



Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Figure 5-5.6 (cont.): SHPO Coordination



'Pratt, Trevor'
<TPratt@parks.ca.gov>
05/12/2010 10:28 AM

To: <Kim.T.Smith@dot.ca.gov>
cc: 'Lindquist, Natalie' <n.lindquist@parks.ca.gov>,
<Debra.Dominici@dot.ca.gov>, <Koji.Tsunoda@dot.ca.gov>
bcc:
Subject: Biological Mitigation Activities Related to the North Coast
Interstate 5 Corridor Project

Dear Ms. Smith

Thank you for submitting your Notification of No Adverse Effects with Standard Conditions for the biological mitigation activities related to the North Coast Interstate 5 Corridor Project in San Diego County. The standard conditions and ESAs for all sites in the Area of Direct Impact will suitably protect the sites. In future correspondences, if necessary, please refer to FHWA100415A.

I have no objections to your findings. Thank you for seeking my comments and for considering historic properties in planning your project.

Sincerely,

Trevor Pratt
Assistant State Archaeologist
Office of Historic Preservation
Phone: (916) 651-0831

Figure 5-5.7: SHPO Coordination on Biological Mitigation Parcels

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

 DISTRICT 11
 4050 TAYLOR STREET, S.S. 242
 SAN DIEGO, CA 92110
 PHONE (619) 688-0240
 FAX (619) 688-4237
 TTY 711
 www.dot.ca.gov

*Flex your power.
 Be energy efficient.*

July 1, 2013

 Manuel Sanchez
 Federal Highway Administration
 California Division
 650 Capitol Mall, Suite 4-100
 Sacramento, CA 95814

 File: 11-SD-5
 PM: R28.397 / R55.4
 EA: 235800

Dear Mr. Sanchez:

Subject: Fifth and Sixth Supplemental Historic Property Survey Reports (HPSR) Submitted Pursuant to the Section 106 PA; Revised Finding of Effect for the I-5 North Coast Corridor Project. Submitted Pursuant to Stipulation X.B.1.a of the Section 106 PA

The California Department of Transportation (Caltrans) is notifying the Federal Highway Administration (FHWA) of APE revisions for the I-5 NCC, requesting for FHWA review and concurrence with the Finding of No Adverse Effect (FNAE), and requesting FHWA consult with SHPO regarding the project's affects on historic properties. The I-5 NCC has been exempted from delegation, and therefore, is not subject to the *Memorandum of Understanding* between FHWA and Caltrans concerning the State of California's Participation in the MAP 21 Program. As such, the enclosed FNAE is being transmitted to FHWA in accordance with Stipulation X.B.1.a of the Section 106 Programmatic Agreement (PA), which became effective on January 1, 2004. Under the PA, Caltrans is responsible for ensuring the appropriateness of the APE (Stipulation VIII.A), the adequacy of historic property identification efforts (Stipulation VIII.B), and evaluation of historic properties (Stipulation VIII.C). All of the above efforts culminated in the avoidance of adverse effects as resources were identified.

The I-5 NCC is located in the central coastal area of San Diego County, between PM 28.397 and 54.4 along Interstate 5, and PM 27.312 and 28.8 along Interstate 805. The proposed project will widen Interstate 5 to add High Occupancy Vehicle (HOV), General Purpose, and Auxiliary Lanes (see the 2007 HPSR for more details). Previous cultural resource reports for this project include the 2007 HPSR, five Supplemental HPSRS (2008-2010), and several technical studies.

In the Fifth Supplemental HPSR, Caltrans changed the effect finding at site CA-SDI-7296. The finding warranted re-evaluation, per Stipulation VIII.C.4, since the previous justification was based on an error of fact. Caltrans has changed the effect finding from No Adverse Effect with Standard Conditions-ESA to No Historic Properties Affected since CA-SDI-7296 was determined ineligible to the NRHP, so by definition is not a historic property according to Stipulation II. CA-SDI-7296

"Caltrans improves mobility across California"

Figure 5-5.8: Caltrans Letter to FHWA Regarding APE Revisions

Mr. Sanchez
July 1, 2013
Page 2

had been established as an ESA in the 2008 Second Supplemental HPSR on the incorrect notion that the eastern portion of the site had not been tested. This Fifth Supplemental HPSR has been transmitted for your records.

In accordance with Attachment 3 of the PA, Caltrans PQS modified the APE to capture the design revisions of this undertaking. The Sixth Supplemental HPSR unifies the entire I-5 NCC under a single APE: updating the original APE (2007) by adding the Biological Mitigation Projects (2008-2010) and new areas shaped by project redesign (2013), but removing archaeological site CA-SDI-17928 and built environment resource 510-514 La Costa Avenue which have been avoided through project redesign. The APE was also modified to incorporate the entire ESA site boundaries of CA-SDI-17672 and CA-SDI-17907 which were mistakenly not included in the 2007 APE. The sites listed above and the archaeological sites related to the supplemental APE are the only cultural resources represented in the APE map (Exhibit 3 in the HPSR). No resources were identified within the Supplemental APE and a Finding of No Historic Properties Affected, per Stipulation IX.A, is appropriate. This Sixth Supplemental HPSR has been transmitted for your records.

The 2013 FNAE documents the effect finding change for the project as a whole that has transpired with project redesign. Caltrans will no longer build the proposed soundwalls (SW723 and SW729) to the north and south of the Batiquitos Lagoon in Carlsbad, San Diego County. All effects to sites CA-SDI-12670 and CA-SDI-17928 will be avoided as a result of this change. As previously determined, this undertaking will not cause an adverse effect to the built environment historic property located at 767 Orpheus Avenue, since the sliver takes required for this project would not affect any of the qualities that make this property significant. This 2013 FNAE reiterates the argument presented in 2007 Finding of Effect regarding the 767 Orpheus Avenue property. All other resources within the APE are protected by Environmentally Sensitive Area designations. As previously determined and pursuant to Stipulation X.B.2.a(ii), Caltrans is assuming that the following archaeological sites are eligible for the purposes of this undertaking only: CA-SDI-209; CA-SDI-603; CA-SDI-607; CA-SDI-628; CA-SDI-762; CA-SDI-6849; CA-SDI-10965; CA-SDI-12670; CA-SDI-16637; CA-SDI-16638H; CA-SDI-16639; CA-SDI-17672; CA-SDI-17907H; CA-SDI-17960; CA-SDI-18917. Environmentally Sensitive Area (ESA) designations will be delineated at and around these sites and the 2013 ESA Action Plan (which updated the 2007 ESA Action Plan submitted to FHWA and SHPO on December 4, 2007 and approved by SHPO on March 17, 2008) will be enacted to ensure that the project will avoid these resources. Caltrans will now avoid all adverse effects to historic properties (properties that were previously impacted and adversely affected are now avoided). As such, the 2007 draft Memorandum of Agreement and 2007 Cultural Resources Treatment Plan are no longer required for this undertaking.

"Caltrans improves mobility across California"

Figure 5-5.8 (cont.): Caltrans Letter to FHWA Regarding APE Revisions

Mr. Sanchez
 July 1, 2013
 Page 3

FINDING	RESOURCE
NO ADVERSE EFFECT (Without Standard Conditions) -De minimis finding under Section 4(f)	767 Orpheus Avenue
NO ADVERSE EFFECT (with Standard Conditions-ESA)	CA-SDI-209
	CA-SDI-603
	CA-SDI-607
	CA-SDI-628
	CA-SDI-762
	CA-SDI-6849
	CA-SDI-10965
	CA-SDI-12670
	CA-SDI-16637
	CA-SDI-16638H
	CA-SDI-16639
	CA-SDI-17672
	CA-SDI-17907H
	CA-SDI-17960
	CA-SDI-18917

Lastly, Caltrans is also informing the SHPO that this notification will be treated as the SHPO's concurrence for this project's Section 4(f) *de minimis* determination.

The enclosed FNAE documents Caltrans' Section 106 responsibilities. Caltrans hereby notifies FHWA that these findings are in accordance with Stipulation X.B.1.a of the PA and requests FHWA to consult with SHPO regarding the project's effects on historic properties in the APE. If you have any questions or comments, please contact me at (619) 688-0240 or kevin_hovey@dot.ca.gov.

Sincerely,



KEVIN HOVEY, Chief
 Environmental Analysis, Branch D
 Cultural Resource Studies— Local Assistance Liaison

Enclosures (3)

c: Shay Lynn Harrison, Chief of Environmental Analysis, Branch C, Caltrans District 11
 K. Tsunoda, Heritage Resources Coordinator/Cultural Library, Caltrans District 11
 T. Jaffke, 106 Coordinator, Caltrans Headquarters
 South Coast Information Center (SCIC)-SDSU

"Caltrans improves mobility across California"

Figure 5-5.8 (cont.): Caltrans Letter to FHWA Regarding APE Revisions



U.S. Department
of Transportation
Federal Highway
Administration

California Division

July 12, 2013

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001
(916) 498-5008 (fax)

In Reply Refer To:
HDA-CA

Dr. Carol Roland-Nawi
State Historic Preservation Officer (SHPO)
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Attn: Ms. Susan Stratton

Dear Dr. Roland-Nawi:

The Federal Highway Administration (FHWA) is notifying the State Historic Preservation Officer (SHPO) of Area of Potential Effect (APE) revisions for the Interstate 5 North Coast Corridor (I-5 NCC) project and requesting SHPO's concurrence with the Finding of No Adverse Effect (FNAE). The I-5 NCC project has been retained by FHWA. As such, the enclosed FNAE is being transmitted to SHPO in accordance with Stipulation X.B.1.a of the Section 106 Programmatic Agreement (PA), which became effective on January 1, 2004.

The I-5 NCC project is located in the central coastal area of San Diego County, between PM 28.397 and 54.4 along Interstate 5, and PM 27.312 and 28.8 along Interstate 805. The proposed project will widen Interstate 5 to add High Occupancy Vehicle, General Purpose, and Auxiliary Lanes (see the 2007 Historic Property Survey Report (HPSR) for more details). Previous cultural resource reports for this project include the 2007 HPSR, five Supplemental HPSRs (2008-2010), and several technical studies.

In the Fifth Supplemental HPSR, Caltrans changed the effect finding at site CA-SDI-7296. The finding warranted re-evaluation, per Stipulation VIII.C.4, since the previous justification was based on an error of fact. Caltrans has changed the effect finding from No Adverse Effect with Standard Conditions-Environmentally Sensitive Area (ESA) to No Historic Properties Affected since CA-SDI-7296 was determined to be ineligible for listing on the National Register of Historic Places; so, by definition it is not a historic property in accordance with Stipulation II. CA-SDI-7296 had been established as an ESA in the 2008 Second Supplemental HPSR on the incorrect notion that the eastern portion of the site had not been tested. This Fifth Supplemental HPSR has been transmitted for your records.

In accordance with Attachment 3 of the PA, Caltrans Professionally Qualified Staff modified the APE to capture the design revisions of this undertaking. The Sixth Supplemental HPSR unifies the entire I-5 NCC under a single APE; updates the original APE (2007) by adding the Biological Mitigation Projects (2008-2010); and incorporates new areas shaped by project redesign (2013). In addition, it removes archaeological site CA-SDI-17928 and built-environment resource 510-514 La Costa Avenue which have been avoided through project redesign. The APE was also modified to incorporate the entire ESA site boundaries of CA-SDI-17672 and CA-SDI-17907 which were mistakenly not included in the 2007 APE. The sites listed above and the archaeological sites related to the supplemental APE are the only cultural resources represented in the APE map (Exhibit 3 in the HPSR). No resources were identified within the Supplemental APE and a Finding of No Historic Properties Affected, per Stipulation IX.A, is appropriate. This Sixth Supplemental HPSR has been transmitted for your records.

Figure 5.5-9: FHWA Letter to SHPO Regarding APE Revisions

The 2013 FNAE documents the effect finding change for the project as a whole that has transpired with project redesign. Caltrans will no longer build the proposed soundwalls (SW723 and SW729) to the north and south of the Batiquitos Lagoon in Carlsbad, San Diego County. All effects to sites CA-SDI-12670 and CA-SDI-17928 will be avoided as a result of this change. As previously determined, this undertaking will not cause an adverse effect to the built-environment historic property located at 767 Orpheus Avenue, since the sliver-takes required for this project would not affect any of the qualities that make this property significant. This 2013 FNAE reiterates the argument presented in 2007 Finding of Effect regarding the 767 Orpheus Avenue property. All other resources within the APE are protected by ESA designations. As previously determined and pursuant to Stipulation X.B.2.a(ii), FHWA and Caltrans have determined that the following archaeological sites are eligible for the purposes of this undertaking only: CA-SDI-209; CA-SDI-603; CA-SDI-607; CA-SDI-628; CA-SDI-762; CA-SDI-6849; CA-SDI-10965; CA-SDI-12670; CA-SDI-16637; CA-SDI-16638H; CA-SDI-16639; CA-SDI-17672; CA-SDI-17907H; CA-SDI-17960; CA-SDI-18917. ESA designations will be delineated at and around these sites and the 2013 ESA Action Plan (which updated the 2007 ESA Action Plan submitted to FHWA and SHPO on December 4, 2007 and approved by SHPO on March 17, 2008) will be enacted to ensure that the project will avoid these resources. Caltrans will now avoid all adverse effects to historic properties (properties that were previously impacted and adversely affected are now avoided). As such, the 2007 draft Memorandum of Agreement and 2007 Cultural Resources Treatment Plan are no longer required for this undertaking.

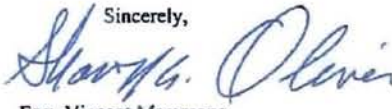
FINDING	RESOURCE
NO ADVERSE EFFECT (Without Standard Conditions) -De minimis finding under Section 4(f)	767 Orpheus Avenue
NO ADVERSE EFFECT (with Standard Conditions-ESA)	CA-SDI-209
	CA-SDI-603
	CA-SDI-607
	CA-SDI-628
	CA-SDI-762
	CA-SDI-6849
	CA-SDI-10965
	CA-SDI-12670
	CA-SDI-16637
	CA-SDI-16638H
	CA-SDI-16639
	CA-SDI-17672
	CA-SDI-17907H
	CA-SDI-17960
	CA-SDI-18917

Lastly, FHWA is also informing the SHPO that a Section 4(f) *de minimis* determination is being made for the historic property located at 767 Orpheus Avenue.

The enclosed FNAE documents FHWA's Section 106 efforts and responsibilities. FHWA has determined these findings are in accordance with Stipulation X.B.1.a of the PA and requests SHPO to concur with the project's effects on historic properties in the APE. If you have any questions or comments, please contact Larry Vinzant at (916) 498-5040, email larry.vinzant@dot.gov or Shawn Oliver at (916) 498-5048, email shawn.oliver@dot.gov.

Figure 5.5-9 (cont.): FHWA Letter to SHPO Regarding APE Revisions

3

Sincerely,

For: Vincent Mammano
Division Administrator

Enclosures

Copy Furnished (w/o enclosure):

Michelle Blake, Caltrans D-11
Kevin Hovey, Caltrans D-11
Shay Lynn Harrison, Caltrans D-11
Todd Jaffke, Caltrans HQ
Manuel Sanchez
Chris Newman
Shawn Oliver
Larry Vinzant
Jermaine Hannon

Figure 5.5-9 (cont.): FHWA Letter to SHPO Regarding APE Revisions

STATE OF CALIFORNIA – THE RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
caohpo@parks.ca.gov
www.ohp.parks.ca.gov



September 11, 2013

Reply in Reference To: FHWA07032A

Vincent Mammano
Division Administrator
U.S. Department of Transportation
Federal Highways Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

RE: I-5 North Corridor Project – Supplemental Historic Property Survey Reports 5 & 6 and
Finding of Effect

Dear Mr. Mammano:

Thank you for your July 12, 2013 letter continuing consultation on the I-5 North Corridor Project in San Diego County (I-5 NCC). The Federal Highway Administration (FHWA) is consulting pursuant to the Programmatic Agreement (PA) Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California; effective January 1, 2004 (PA).

The I-5 NCC project is located in the central coastal area of San Diego County, between PM 28.397 and 54.4 along Interstate 5, and PM 27.312 and 28.8 along Interstate 805. Previous cultural resource reports for this project include the 2007 HPSR, five Supplemental HPSRs (2008-2010), and several technical studies.

In addition to your July 12, 2013 letter received July 16, 2013, you have submitted the following documents as evidence of your efforts to identify and evaluate historic properties in the project APE:

- Fifth Supplemental Historic Property Survey Report; San Dieguito Biological Mitigation Project for the Caltrans Interstate 5 North Coast Corridor Project, San Diego County, California. Prepared by California Department of Transportation, District 11; March 12, 2013.
- Sixth Supplemental Historic Property Survey Report; Revised Area of Potential Effects for the Caltrans Interstate 5 North Coast Corridor Project, San Diego County, California. Prepared by California Department of Transportation, District 11; March 12, 2013. (SHPSR-6)
- Finding of No Adverse Effect for the Caltrans Interstate 5 North Coast Corridor Project, San Diego County, California. Prepared by California Department of Transportation, District 11; May 2013. (FNAE)

Each report is discussed individually as follows:

Figure 5-5.10: SHPO Concurrence on Finding of No Adverse Effect

11 September 2013
 Page 2 of 4

FHWA07032A

Fifth Supplemental Historic Property Survey Report, San Dieguito Biological Mitigation Project (SHPSR-5):

The mitigation project area consists of one twenty-two acre parcel (APN-304-090-02) proposed to serve as a biological mitigation parcel for the project. It is planned to plant a variety of native Coastal Sage Scrub species in the Fall of 2013. The Area of Potential Effects (APE) for this SHPSR-5 consists of the parcel boundaries, within which non-native vegetation will be removed and sage seedlings will be planted in hand excavated 20 cm deep X 30 cm diameter holes; denoting the vertical APE.

The records search conducted for the original HPSR at the South Coastal Information Center was updated in November of 2012. CA-SDI-7296 and P-37-029577 have been recorded within the project APE. Site P-37-029577 has been determined Property Type 1 of Attachment 4 of the PA and is exempt from evaluation. The boundaries of site CA-SDI-7296, originally recorded in 1979, have changed several times over the years as new information came to light. In 2001, Caltrans conducted subsurface testing of the site and determined the site ineligible to the National Register of Historic Places (NRHP) to which the SHPO concurred on January 31, 2003. Subsequent testing of the site for the current project in 2007 confirmed these findings. In 2008 a Second SHPSR proposed changing the effect finding from No Adverse Effect with Standard Conditions- Environmentally Sensitive Area (ESA) based on erroneous information that the eastern portion of the site had not been tested and was unevaluated. Caltrans consulted with the SHPO but did not ask for consensus at that time. SHPSR-5 documents the discovery of that error and requests that the determination of CA-SDI-7296 as ineligible to the NRHP established on January 31, 2003 remain the official determination.

Sixth Supplemental Historic Property Survey Report, Revised APE (SHPSR-6):

The APE for the I-5 NCC project was approved on December 20, 2006. Design changes including the avoidance of one archaeological and one built environment resource and the addition of a biological mitigation site, resulted in refined design plans for the Final Environmental Document in December 2012. In accordance with Attachment 3 of the PA, Caltrans Professionally Qualified Staff modified the APE to capture the design revisions of this undertaking. The Sixth Supplemental HPSR unifies the entire I-5 NCC under a single APE; updates the original APE (2007) by adding the Biological Mitigation Projects (2008-2010); and incorporates new areas shaped by project redesign (2013). In addition, it removes archaeological site CA-SDI-17928 and built-environment resources 510-514 La Costa Avenue and 636 Leucadia Blvd; which have been avoided through project redesign. The APE was also modified to incorporate the entire ESA site boundaries of CA-SDI-17672 and CA-SDI-17907 which were mistakenly not included in the 2007 APE.

The changes in the APE encompassed new areas not covered in previous archaeological studies. The November 2012 record search at the South Coastal Information Center and Caltrans Cultural Resource Database were conducted on January 10, 2013. Nine previously recorded cultural resources were within the study area. Intensive pedestrian surface survey, utilizing 10 meter wide transects was conducted in January, 2013 of the study area and attempts made to relocate the nine previously recorded sites. None remained within the APE for the project. No new

Figure 5-5.10 (cont.): SHPO Concurrence on Finding of No Adverse Effect

11 September 2013
 Page 3 of 4

FHWA07032A

cultural resources were identified. Native American consultation is ongoing.

FHWA is seeking concurrence that the revised APE is sufficient for the project and that additional archaeological study required by changes in the APE and documented in the *Fourth Supplemental Archaeological Survey Report* (SHPSR-6; Attachment 1) is sufficient.

Finding of No Adverse Effect Document

The I-5 NCC project has undergone significant changes since the initial 2007 Historic Property Survey Report (HPSR). The May 2013 Finding of Effects (FOE) report updates the 2007 with which the SHPO concurred with March 17, 2008. Contrary to the 2007 FOE, the current project will no longer have adverse effects to NRHP eligible cultural resources. FHWA is requesting SHPO concurrence on a Finding of No Adverse Effect for the project as a whole. The following resources lie within the APE and have been assumed eligible to the NRHP for purposes of the project. FHWA has determined there will be No Adverse Effect to these resources with Standard Conditions – ESA Action Plan (approved by SHPO on March 17, 2008): CA-SDI-209; CA-SDI-603; CA-SDI-607; CA-SDI-628; CA-SDI-762; CA-SDI-6849; CA-SDI-10965; CA-SDI-12670; CA-SDI-16637; CA-SDI-16638H; CA-SDI-16639; CA-SDI-17672; CA-SDI-17907H; CA-SDI-17960; CA-SDI-18917. These sites will receive archaeological and Native American monitoring during construction.

National Register of Historic Places eligible property located at 676 Orpheus Avenue also lies within the APE of the project. An area of 314 square meters will be taken from the 4,000 square meter property. FHWA has determined this sliver take will have No Adverse Effect to the property. In addition, FHWA has determined a *de-minimis* finding under Section 4(f).

Pursuant to the PA, the FHWA has determined a finding of No Adverse Effects for the proposed project. Based on your identification efforts, I concur with the findings as listed in the table below:

RESOURCE	DETERMINATION
P-37-029577	Property Type 1 of Attachment 4 of the PA and is exempt from evaluation.
CA-SDI-7296	Ineligible to the NRHP based on January 31, 2003 determination.
Revised APE	The revised APE is sufficient.
SHPSR-6 Att 1	The supplemental archaeological studies are sufficient.
767 Orpheus Avenue	NO ADVERSE EFFECT (Without Standard Conditions) - <i>De minimis</i> finding under Section 4(f)
The following sites assumed eligible to the NRHP for purposes of this project.	
CA-SDI-209	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-603	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-607	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-628	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-762	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-6849	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-10965	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-12670	NO ADVERSE EFFECT (with Standard Conditions-ESA)

Figure 5-5.10 (cont.): SHPO Concurrence on Finding of No Adverse Effect

11 September 2013
 Page 4 of 4

FHWA07032A

CA-SDI-16637	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-16638H	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-16639	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-17672	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-17907H	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-17960	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-18917	NO ADVERSE EFFECT (with Standard Conditions-ESA)

Please note: On page three of the SHPSR-5 the report states "...the SHPO never objected to this determination, and Caltrans assumed SHPO concurrence." Non-response from the SHPO allows an agency to continue with their undertaking after the 30 day comment period is over. It does not denote SHPO concurrence.

Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, FHWA may have additional future responsibilities for this undertaking under 36 CFR Part 800. Thank you for seeking my comments and considering historic properties as part of your project planning. If you have any questions or concerns, please contact Associate State Archaeologist, Kim Tanksley at (916) 445-7035 or by email at kim.tanksley@parks.ca.gov.

Sincerely,



 Carol Roland-Nawi, PhD
 State Historic Preservation Officer

Figure 5-5.10 (cont.): SHPO Concurrence on Finding of No Adverse Effect

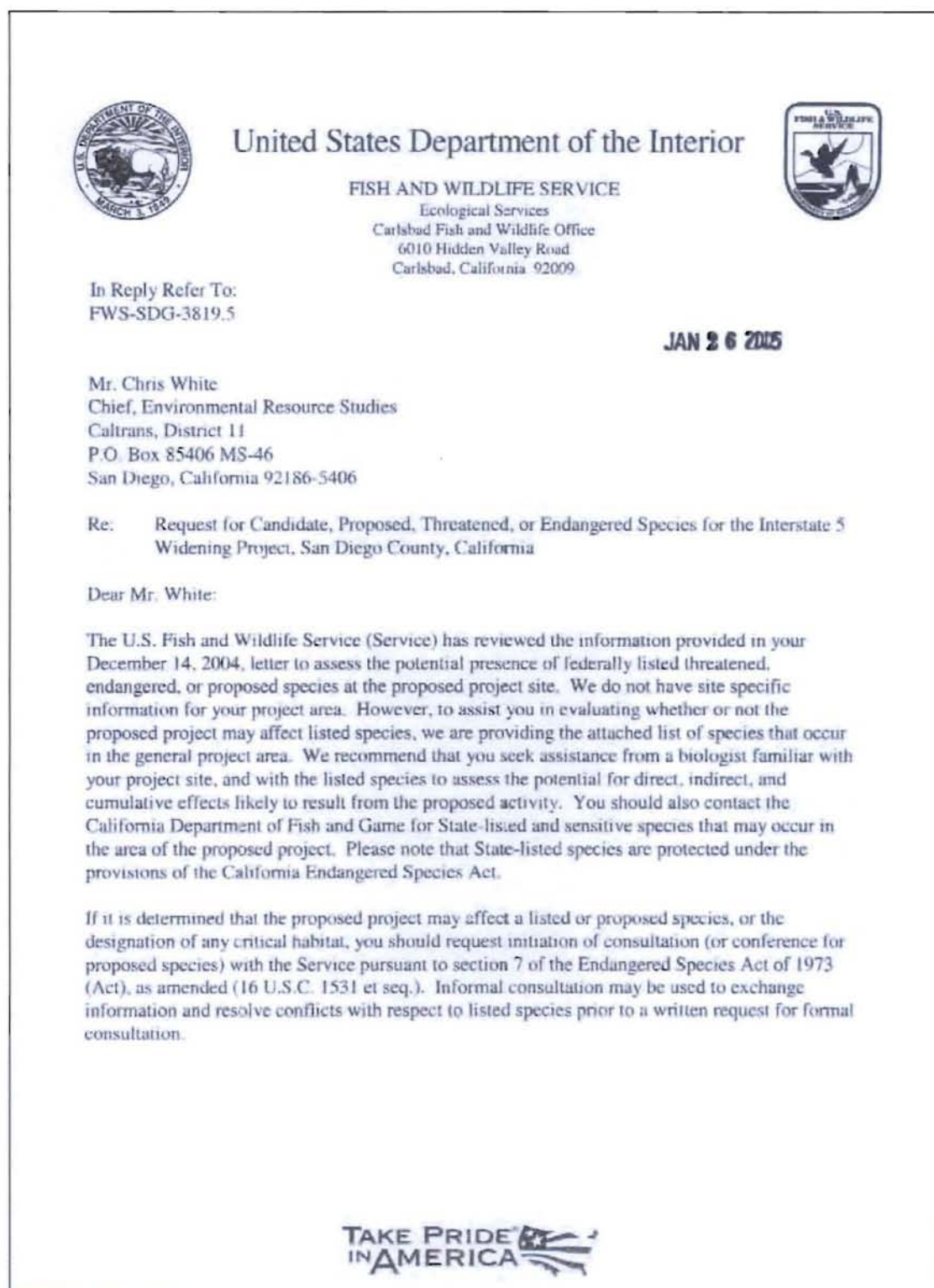


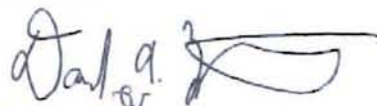
Figure 5-5.11: USFWS Listed Endangered, Threatened, and Proposed Species

Mr. Chris White (FWS-SDG-3819.5)

2

Should you have any questions regarding the species listed or your responsibilities under the Act, please call John DiGregoria of my staff at (760) 431-9440, extension 208.

Sincerely,



Therese O'Rourke
Assistant Field Supervisor

Enclosure

Figure 5-5.11 (cont.): USFWS Listed Endangered, Threatened, and Proposed Species

Mr. Chris White (FWS-SDG-3819.5)

3

Listed Endangered, Threatened and Proposed Species
that may occur in the vicinity of Interstate 5
in San Diego County, California

Common Name	Scientific Name	Status
<u>BIRDS</u>		
coastal California gnatcatcher	<i>Poliophtila californica californica</i>	T
least Bell's vireo	<i>Vireo bellii pusillus</i>	E
western snowy plover	<i>Charadrius alexandrinus nivosus</i>	T
brown pelican	<i>Pelecanus occidentalis</i>	E
light-footed clapper rail	<i>Rallus longirostris levipes</i>	E
California least tern	<i>Sterna antillarum browni</i>	E
southwestern willow flycatcher	<i>Empidonax traillii eximius</i>	E
<u>INVERTEBRATES</u>		
San Diego fairy shrimp	<i>Branchinecta sandiegonensis</i>	E
Riverside fairy shrimp	<i>Streptocephalus woottoni</i>	E
<u>PLANTS</u>		
Del Mar manzanita	<i>Arctostaphylos glandulosa ssp. crassifolia</i>	E
Encinitas Baccharis	<i>Baccharis vanessae</i>	E
San Diego ambrosia	<i>Ambrosia pumila</i>	E
San Diego button celery	<i>Eryngium aristulatum var. parishii</i>	E
San Diego mesa mint	<i>Pogogyne abramsii</i>	E
spreading navarretia	<i>Navarretia fossalis</i>	T
thread-leaved brodiaea	<i>Brodiaea filifolia</i>	T

E=Endangered T=Threatened

Figure 5-5.11 (cont.): USFWS Listed Endangered, Threatened, and Proposed Species

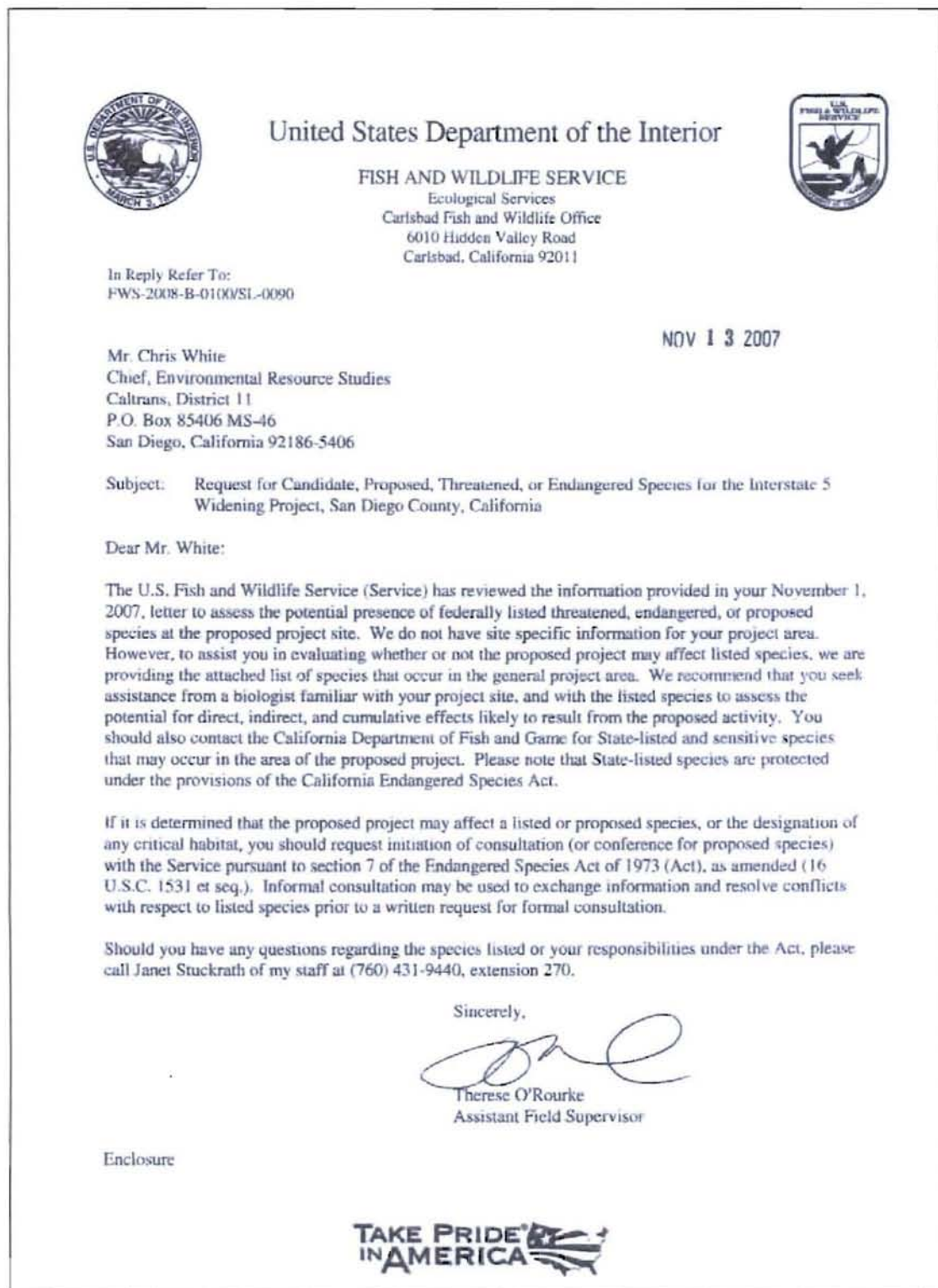


Figure 5-5.11 (cont.): USFWS Listed Endangered, Threatened, and Proposed Species

Mr. Chris White (FWS-2008-B-0100/SL-0090)

2

Listed Endangered, Threatened and Proposed Species
that may occur in the vicinity of Interstate 5
in San Diego County, California

Common Name	Scientific Name	Status
BIRDS		
western snowy plover	<i>Charadrius alexandrinus nivosus</i>	T, CH
southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E, CH
brown pelican	<i>Pelecanus occidentalis</i>	E
coastal California gnatcatcher	<i>Poliophtila californica californica</i>	T*, CH
light-footed clapper rail	<i>Rallus longirostris levipes</i>	E
California least tern	<i>Sterna (Sterna) antillarum browni</i>	E
least Bell's vireo	<i>Vireo bellii pusillus</i>	E, CH
FISH		
tidewater goby	<i>Eucyclogobius newberryi</i>	E, CH
CRUSTACEANS		
San Diego fairy shrimp	<i>Branchinecta sandiegonensis</i>	E, pCH
Riverside fairy shrimp	<i>Streptocephalus woottoni</i>	E, CH
PLANTS		
San Diego thornmint	<i>Acanthomintha ilicifolia</i>	T, pCH
San Diego ambrosia	<i>Ambrosia pumila</i>	E
Del Mar manzanita	<i>Arctostaphylos glandulosa ssp. crassifolia</i>	E
coastal dunes milk-vetch	<i>Astragalus tener var. titi</i>	E
Encinitas baccharis	<i>Baccharis vanessae</i>	T
thread-leaved brodiaea	<i>Brodiaea filifolia</i>	T, CH
Orcutt's spineflower	<i>Chorizanthe orcuttiana</i>	E
San Diego button-celery	<i>Eryngium aristulatum var. parishii</i>	E
Orcutt's hazardia	<i>Hazardia orcutti</i>	C
willow monardella	<i>Monardella linoides ssp. viminea</i>	E, CH
spreading navarretia	<i>Navarretia fossalis</i>	T, CH
California Orcutt grass	<i>Orcuttia californica</i>	E
San Diego mesa mint	<i>Pogogyne abramsii</i>	E

T=Threatened
T*=Proposed DPS

E=Endangered
pCH=Proposed Critical Habitat

C=Federal candidate species
CH=Critical Habitat

Figure 5-5.11 (cont.): USFWS Listed Endangered, Threatened, and Proposed Species



Preserving America's Heritage

June 25, 2008

Mr. Chris White, Chief
 Environmental Resource Studies
 Department of Transportation
 Environmental Division, MS-242
 4050 Taylor Street
 San Diego, CA 92110

Ref: *Proposed I-5 North Coast Corridor Project*
San Diego County, California

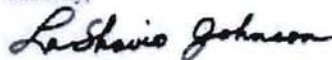
Dear Mr. White:

On April 28, 2008 the Advisory Council on Historic Preservation (ACHP) received your notification regarding the adverse effects of the referenced undertaking. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the California SHPO, Indian tribes, and other consulting parties, and related documentation at the conclusion of the consultation process. The filing of the MOA with the ACHP and fulfillment of its stipulations are required to complete your compliance responsibilities under Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Carol Legard at 202-606-8522 or clegard@achp.gov.

Sincerely,



LaShavio Johnson
 Historic Preservation Technician
 Federal Permitting, Licensing and Assistance Section
 Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
 Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

Figure 5-5.12: ACHP Response to Undertaking Notification

Chapter 6 – List of Preparers

This EIR/EIS and related technical studies were prepared by and under the supervision of Caltrans District 11 staff and other contributors identified below.

U.S. Department of Transportation – Federal Highway Administration

Manuel Enrique Sánchez, Senior Transportation Engineer/Border Engineer; Bachelor of Science in Civil Engineering, Arizona State University, Master of Public Administration, Arizona State University; 7 years of Federal Highway Administration experience.

California Department of Transportation – District 11

Bruce April, Deputy Director Environmental; Bachelor of Science Biology, San Diego State University; 19 years of Caltrans experience.

Michelle Blake, Environmental Planner, Archaeology; Master of Arts in Cultural Resources Management, Sonoma State University; Bachelor of Arts in Anthropology (Concentration in Archaeology), University of California at San Diego; 6 months of Caltrans experience, 5 years experience.

Stephen R. Capuno, PE., Transportation Engineer, Project Engineer, Registered Civil Engineer; Bachelor of Science in Civil Engineering, San Diego State University; 7 years of Caltrans experience.

Karen Crafts, Associate Environmental Planner (Archaeology); Bachelor of Arts in Anthropology, San Diego State University; 32 years of Caltrans experience.

Seth Cutter, Associate Transportation Planner, District 11 Bicycle and Pedestrian Coordinator; Bachelor of Arts in Urban Studies and Planning, University of California San Diego; 6 years of Caltrans experience.

Jayne Dowda, Branch Chief, Environmental Engineering; Registered Civil Engineer; Bachelor of Science in Civil Engineering, San Diego State University; 28 years of Caltrans experience.

Mike Fordham, Transportation Engineer; Registered Civil Engineer; Master of Science in Civil Engineering (Geotechnical), Bachelor of Science in Civil Engineering, University of Nevada, Reno; 14 years of Caltrans experience.

Shay Lynn M. Harrison, Chief, Environmental Analysis Branch C; Bachelor of Science in Environmental Science, University of California at Riverside; 13 years of Caltrans experience.

Allen Holden, Jr., PE, TMP Manager of DTM Branch; Registered Civil Engineer/Registered Traffic Engineer; Master of Science in Civil Engineering, University of Texas at Arlington; Bachelor of Science in Civil Engineering, Cornell University; 30 years of Caltrans experience.

Kevin Hovey, Senior Environmental Planner; Masters of Arts in Anthropology, University of California at Riverside; 7 years of Caltrans experience.

Sayra Hurley, President, P.E., J.D., LL.M. Registered Civil Engineer; Master of Laws in Environmental Law, Master of Laws in Real Estate Law, Pace Law School; Juris Doctorate, Washburn University School of Law; Bachelor of Science in Civil Engineering, San Diego State University; 15 years of experience.

Arturo Jacobo, P.E., Senior Transportation Engineer, Project Manager; Registered Civil Engineer; Bachelor of Science in Structural Engineering, University of California, San Diego; 22 years of Caltrans experience.

Ken James, P.E., Transportation Engineer, Route Manager, Traffic Operations; Registered Civil Engineer; Bachelor of Science in Civil Engineering, Texas Tech University; 10 years of Caltrans experience.

- Majid Kharrati, P.E., Senior Transportation Engineer, Project Manager; Registered Civil Engineer; Bachelor of Science in Civil Engineering, University of California, Irvine; 29 years of Caltrans experience.
- Joel Kloth, PG, Engineering Geologist, Registered Professional Geologist; Bachelor of Science in Geology, California Lutheran University; 13 Years of Caltrans experience.
- Allan Kosup, Corridor Director and Supervising Transportation Engineer; Registered Civil Engineer; Bachelor of Science in Civil Engineering, Professional Engineer 1987; 29 years of Caltrans experience.
- Sandra Lavender, Associate Environmental Planner, Environmental Generalist/Permit Specialist; B.A. Urban Studies and Planning – University of California San Diego; 11 years of Caltrans experience.
- Oanh Le, P.E., Transportation Engineer, Registered Civil Engineer; Bachelor of Science in Civil Engineering, University of New Orleans; 23 years of Caltrans experience.
- Emery McCaffery, Environmental Planner; Bachelor of Arts in Geography, San Diego State University; 3 months of Caltrans experience.
- Jorge A. Perez-Valdes, P.E., Project Engineer; Registered Civil Engineer; Masters of Science in Civil Engineering, San Diego State University; Bachelor of Science in Civil Engineering, Instituto Tecnológico de Tijuana; 14 years of Caltrans experience.
- Keith Ploettner, P.E., Senior Transportation Engineer, Design Manager; Registered Civil Engineer and Traffic Engineer; Bachelor of Science in Civil Engineering, San Diego State University; 27 years of Caltrans experience.
- Sue Scatolini, Associate Environmental Planner (Natural Sciences); Masters of Science in Ecology, San Diego State University; Bachelor of Science in Aquatic Biology, University of California at Santa Barbara; 12 years of Caltrans experience.
- Christopher Scott, P.E., Transportation Engineer, Registered Civil Engineer; Bachelor of Science in Civil Engineering, University of California, Davis; 7 years of Caltrans experience.
- Raychel Skeen, Associate Environmental Planner; Bachelor of Arts in Geography, California State University - Humboldt, 14 years of Caltrans experience.
- Kim T. Smith, Senior Environmental Planner, Bachelor of Science in Biology, San Diego State University; 15 years of Caltrans experience.
- Paul G. Swearingen, Transportation Engineer, Environmental Engineering, Air Quality Studies, Bachelor of Science in Civil Engineering, San Diego State University; 7 years of Caltrans experience.
- Michelle (Trudell) Madigan, Associate Environmental Planner; Masters of Science in City Planning, San Diego State University; Bachelor of Science in Environmental Studies, University of California, Santa Barbara; 14 years of Caltrans experience.
- Timothy V. Vo, P.E., Transportation Engineer, Registered Civil Engineer; Bachelor of Science in Civil Engineering, California State University at Long Beach; 12 years of Caltrans experience.

HELIX Environmental Planning, Inc.

- Amy Ashley, Environmental Planner; Bachelor of Science in Environmental Management and Protection, California Polytechnic State University, San Luis Obispo; 2 years of experience.
- Kim Baranek, Senior Project Manager; Master of Arts in Geography, with an emphasis in Geographic Information Systems, San Diego State University; Bachelor of Arts in Geography and Environmental Studies, University of California, Santa Barbara; 26 years of experience.
- Andrea Bitterling, Senior Project Manager; Masters of Planning in Environmental Planning, University of Virginia; Bachelor of Arts in Environmental Studies, University of Redlands; 14 years of experience.

Vanessa Brice, Environmental Planner; Bachelor of Arts in Biology, University of San Diego; 4 years of experience.

Lisa Capper, Senior Project Manager; Juris Doctorate, College of Law, Western State University; Master of Arts, Candidate in Anthropology, San Diego State University; Bachelor of Arts in Anthropology, specializing in Archaeology; 35 years of experience.

Tamara Ching, Senior Project Manager; Master of Science in Administration, University of California, Irvine; Bachelor of Arts in Social Ecology, University of California, Irvine; 30 years of experience.

Susanne Glasgow, Senior Project Manager; Bachelor of Arts in Geography, Resource and Environmental Conservation, San Diego State University; 37 years of experience.

Stacy Hall de Gomez, Project Manager; Masters in Marine Affairs in Fisheries Economics and Marine Policy, University of Washington; Bachelor of Science in Biology, University of Edinburgh, Scotland; 12 years of experience.

Dennis Marcin, Senior Environmental Specialist; Bachelor of Science in Geology, Michigan State University; 32 years of experience.

Justin Palmer, Senior GIS Specialist; Bachelor of Arts in Geography, Natural Resource and Environmental Conservation, San Diego State University; 11 years of experience.

Melissa Whittemore, Project Manager; Graduate Certificate in National Environmental Policy Act, Utah State University; Bachelor of Science, Biology with an emphasis in Ecology, San Diego State University; 10 years of experience.

Hon Consulting, Inc.

Katherine Hon, P.E., President; Master of Engineering in Civil Engineering, University of California, Davis; Bachelor of Science in Environmental Health, San Diego State University; 33 years of experience.

2

Chapter 7 – Distribution List

This distribution list identifies the interested parties that provided and/or requested their address be included in the Final EIR/EIS. Interested parties that provided comments regarding the project through email are included on a separate email distribution list and are to be notified with an email that provides the link to their responses to comments.

Federal Government

Mark Cohen*
U.S. Army Corps of Engineers
Los Angeles District Office
P.O. Box 532711
Los Angeles, CA 90053-2525

Stephanie Hall*
U.S. Army Corps of Engineers
Regulatory Division, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2525

Robert R. Smith*
U.S. Army Corps of Engineers
Regulatory Division, South Coast Branch,
San Diego Section
6010 Hidden Valley Road, Suite 105
Carlsbad, CA 92011

David H. Sulouff, Chief, Bridge Section*
11th U.S. Coast Guard District
Coast Guard Island
Building #50-2
Alameda, CA 94501-5100

Office of the Secretary*
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Area Conservationist*
U.S. Department of Agriculture
Natural Resources Conservation Service
(Formerly U.S. Soil Conservation Service)
Area II
318 Cayuga Street, Suite 206
Salinas, CA 93901

U.S. Department of Commerce
National Oceanic and Atmospheric
Administration
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802-4213

Director*
U.S. Department of Energy
Office of Environmental Compliance
1000 Independence Avenue, SW
Room 4G-064
Washington, DC 20585

Kathleen Sebelius, Secretary*
U.S. Department of Health and Human
Services
200 Independence Avenue
Southwest Hubert Humphrey Building,
Room 639G
Washington, DC 20201

U.S. Department of Health and Human
Services*
Centers for Disease Control
Environmental Health and Injury Control
Special Programs Group
1600 Clifton Road, Mail Stop F-29
Atlanta, GA 30333

Ophelia Basgal, Regional Administrator
U.S. Department of Housing and Urban
Development, Region IX
600 Harrison Street, 3rd Floor
San Francisco, CA 94107-1300

Sally Brown*
U.S. Department of the Interior,
U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011

* Received a hard copy of the Executive Summary.

Federal Government (cont.)

Janet Stuckrath*
U.S. Department of the Interior,
U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011

Susan Wynn*
U.S. Department of the Interior
U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011

U.S. Department of Interior,
National Park Service
Attn.: EIS Review
Pacific Great Basin System Support Office
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

Patricia Sanderson Port
Regional Environmental Officer
Office of Environmental Policy &
Compliance
U.S. Department of the Interior
333 Bush Street, Suite 515
San Francisco, CA 94104

Kelly Powell*
U.S. Department of Interior
National Park Service
168 South Jackson Street
Seattle, WA 98104-2853

Willie R. Taylor, Director*
U.S. Department of the Interior
Office of Environmental Policy and
Compliance
Main Interior Building, MS 2340
1849 C Street
Washington, DC 20240

David Valenstein*
U.S. Department of Transportation
Federal Railroad Administration
Office of Railroad Development
1200 New Jersey Avenue, SE
MS-20
Washington, DC 20590

Leslie T. Rogers, Regional Administrator
U.S. Department of Transportation
Federal Transit Administration
Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105

U.S. Environmental Protection Agency*
Office of Federal Activities
EIS Filing Section
Ariel Rios Building
Mail Code 2252-A, Room 7241
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Connell Dunning*
U.S. Environmental Protection Agency
Region IX
Federal Activities Office, MS: CED-2
75 Hawthorne Street
San Francisco, CA 94105-3901

Elizabeth Goldman*
U.S. Environmental Protection Agency
Region IX
Federal Activities Office MS: WTR-8
75 Hawthorne Street
San Francisco, CA 94105-3901

Susan Sturges*
U.S. Environmental Protection Agency
Region IX
Federal Activities Office, MS: CED-2
75 Hawthorne Street
San Francisco, CA 94105-3901

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance
Branch
Federal Emergency Management Agency
1111 Broadway, Suite 1200
Oakland, CA 94607-4052

Nancy Ward, Regional Administrator*
Federal Emergency Management Agency
1111 Broadway, Suite 1200
Oakland, CA 94607-4052

* Received a hard copy of the Executive Summary.

Federal Government (cont.)

Bryant Chesney*
National Marine Fisheries Service
Southwest Regional Office
501 West Ocean Boulevard
Long Beach, CA 90802-4250

Robert S. Hoffman, Assistant Regional
Administrator
National Marine Fisheries Service
Habitat Conservation Division
Southwest Regional Office
501 West Ocean Boulevard
Long Beach, CA 90802-4250

Federal Elected Officials

The Honorable Scott Peters*
U.S. House of Representatives
52nd District
4350 Executive Drive, Suite 105
San Diego, CA 92121

The Honorable Dianne Feinstein*
U.S. Senate
750 B Street, Suite 1030
San Diego, CA 92101

The Honorable Barbara Boxer*
U.S. Senate
600 B Street, Suite 2240
San Diego, CA 92101

The Honorable Darrell Issa*
U.S. House of Representatives
49th District
1800 Thibodo Road, Suite 310
Vista, CA 92081

The Honorable Susan Davis*
U.S. House of Representatives
53rd District
2700 Adams Avenue, Suite 102
San Diego, CA 92116

State Government

California Air Resources Board
EIR Regional Impact Division
P.O. Box 2815
Sacramento, CA 95812

Mark Nechodom, Conservation Director
California Department of Conservation
801 K Street, MS 24-01
Sacramento, CA 95814

Gabriel Buhr & Sherilyn Sarb
California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Director
California Department of Conservation
1416 Ninth Street
Sacramento, CA 95814

Mark Delaplaine
California Coastal Commission
Federal Consistency Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Charlton H. Bonham, Director
California Department of Fish and Wildlife
1416 9th Street, 12th Floor
Sacramento, CA 95814

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State Government (cont.)

Tim Dillingham
California Department of Fish and Wildlife
South Coast Region, Region 5
3883 Ruffin Road
San Diego, CA 92123

Stephen M. Juarez
Environmental Program Manager
California Department of Fish and Wildlife
South Coast Region
3883 Ruffin Road
San Diego, CA 92123

California Department of Fish and Wildlife
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123

Director
California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814

Carol Roland-Nawi, Ph.D, State Historic
Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Debbie Waldecker, Associate
Environmental Scientist
California Department of Parks &
Recreation
Southern Service Center
9885 Rio San Diego Drive
San Diego, CA 92108

Richard Dennison, Superintendent,
Public Safety
California Department of Parks & Recreation
Torrey Pines State Reserve
12600 North Torrey Pines Road
San Diego, CA 92037

California Department of Forestry and Fire
2249 Jamacha Road
El Cajon, CA 92019

California Department of Transportation
Division of Aeronautics
1120 N Street, MS 40
P.O. Box 942874
Sacramento, CA 94274-0001

Unit Chief
Dr. Ron Chapman, Director
California Department of Public Health
P.O. Box 997377, MS 0500
Sacramento, CA 95899-7377

Debbie Raphael, Director
California Department of Toxic Substances
Control
10011 "I" Street
Sacramento, CA 95814-2828

Greg Holmes, Unit Chief
California Department of Toxic Substances
Control
Brownfields and Environmental Restoration
Program
5796 Corporate Avenue
Cypress, CA 90630

Mark Cowin, Director
California Department of Water Resources
P.O. Box 942836, Room 1115-1
Sacramento, CA 94235-0001

Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

Michael Brown, Commissioner
California Highway Patrol
P.O. Box 942898
Sacramento, CA 94298-0001

State Government (cont.)

Steve Lopez, Sergeant
California Highway Patrol
CHP Border Division
9330 Farnham Street
San Diego, CA 92123-1216

David Ricks, Lieutenant
California Highway Patrol
Enforcement and Planning Division
601 N. 7th Street
Sacramento, CA 95811

J.B. Rodriguez, Chief
California Highway Patrol
Enforcement and Planning Division
601 N. 7th Street
Sacramento, CA 95811

Deb Schroder, Captain
California Highway Patrol
CHP Oceanside Office
Border Communications Center
1888 Oceanside Boulevard
Oceanside, CA 92054-3486

R.K. Stewart, Captain
California Highway Patrol
CHP San Diego Office
4902 Pacific Highway
San Diego, CA 92110-4097

Executive Officer
California Integrated Waste Management
Board
8800 Cal Center Drive
Sacramento, CA 95826

Larry Myers, Executive Secretary
California Native American Heritage
Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

Dave Singleton, Program Analyst
California Native American Heritage
Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

Clayton A. Phillips, Superintendent
State of California Natural Resources Agency
California Department of Parks and
Recreation
San Diego Coast District
4477 Pacific Highway
San Diego, CA 92110

Darren Smith
State of California Natural Resources Agency
California Department of Parks &
Recreation
San Diego Coast District
4477 Pacific Highway
San Diego, CA 92110

Rosa Muñoz, Senior Utilities Engineer
California Public Utilities Commission
Consumer Protection and Safety Division
Rail Crossings Engineering Section
320 West 4th Street, Suite 500
Los Angeles, CA 90013-1105

David T. Barker, Supervising Water
Resource Control Engineer
California Regional Water Quality Control
Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Kelly Dorsey
Senior Engineering Geologist
San Diego Region
California Regional Water Quality Control
Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Nadell Gayou
California Regional Water Quality Control
Board
P.O. Box 942836
Sacramento, CA 94236

Mike Chrisman, Secretary
California Resources Agency
1416 9th Street, Suite 1311
Sacramento, CA 95814

* Received a hard copy of the Executive Summary.

State Government (cont.)

Megan Cooper, Project Manager
California State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612-2530

Vice Chancellor
The California State University
Attn. Contract Management
Physical Planning and Development
400 Golden Shore Boulevard
Long Beach, CA 90802-4275

State Clearinghouse
Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95814

Eric Gillies, Staff Environmental Scientist*
State Lands Commission
Division of Environmental Planning and
Management
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

Cy R. Oggins, Chief
State Lands Commission
Division of Environmental Planning and
Management
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

Drew Simkin
Public Land Management Specialist
State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

Paul D. Thayer, Executive Officer
State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

Attn. EIR Review
California Transportation Commission
1120 N Street, Room 2221
MS-52
Sacramento, CA 94273-0001

Bimla G. Rhinehart, Executive Director
California Transportation Commission
1120 N Street
MS-52
Sacramento, CA 94273-0001

Tam Doduc, Chairperson
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Gary C. Matthews, Vice Chancellor
University of California, San Diego
Resource Management and Planning
9500 Gilman Drive, Mail Code 0005
La Jolla, CA 92093-0057

Catherine J. Presmyk,
Assistant Director, Environmental Planning
University of California, San Diego
Physical Planning Office
9500 Gilman Drive, MC 0074
La Jolla, CA 92093-0074

Brad Werdick, AICP, Director - Physical and
Community Planning
University of California, San Diego
9500 Gilman Drive, MC 0074
La Jolla, CA 92093-0074

State Elected Officials

The Honorable Toni Atkins
California State Assembly
78th District
1350 Front Street, Room 6054
San Diego, CA 92101

The Honorable Marty Block
California State Senate
39th District
701 B Street, Suite 1840
San Diego, CA 92101

* Received a hard copy of the Executive Summary.



State Elected Officials (cont.)

The Honorable Rocky Chavez
California State Assembly
76th District
1910 Palomar Point Way, Suite 106
Carlsbad, CA 92008

The Honorable Brian Maienschein
California State Assembly
77th District
12396 World Trade Drive, Suite 118
San Diego, CA 92128

The Honorable Marie Waldron*
California State Assembly
75th District
350 West Fifth Ave., Suite 110
Escondido, CA 92025

The Honorable Mark Wyland*
California State Senate
38th District
1910 Palomar Point Way, #105
Carlsbad, CA 92008

Local Government

Robert Reider, Section Supervisor, Rules
Air Pollution Control District
10124 Old Grove Road
San Diego, CA 92131-1649

Attn. EIR Review*
Cardiff-by-the-Sea Library
2081 Newcastle Avenue
Cardiff-by-the-Sea, CA 92007

Attn. EIR Review
Cardiff School District
1888 Montgomery Avenue
Cardiff-by-the-Sea, CA 92007

Attn. EIR Review*
Carlsbad City Library
1775 Dove Lane
Carlsbad, CA 92011

John A. Roach, Superintendent
Carlsbad Unified School District
6225 El Camino Real
Carlsbad, CA 92009

Lisa Hildabrand, City Manager
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Kevin M. Hardy, General Manager
City of Carlsbad
Carlsbad Municipal Water District
P.O. Box 9009

Director
City of Carlsbad
Community Development Department
1635 Faraday Avenue
Carlsbad, CA 92008

Director
City of Carlsbad
Engineering Department
1635 Faraday Avenue
Carlsbad, CA 92008

Director
City of Carlsbad
Fire Department Administration
2560 Orion Way
Carlsbad, CA 92010

Attn. EIR Review*
City of Carlsbad
Georgina Cole Library
1250 Carlsbad Village Drive
Carlsbad, CA 92008

Director
City of Carlsbad
Parks and Recreation
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Conrad "Skip" Hammann, P.E.,
Transportation Director
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008-7314

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Local Government (cont.)

Don Neu, AICP, City Planner
City of Carlsbad
Planning Division
1635 Faraday Avenue
Carlsbad, CA 92008-7314

Suzie Meyer
Administrative Secretary
City of Carlsbad
Police Department
2560 Orion Way
Carlsbad, CA 92010

Bryan Jones, Deputy Director
Transportation
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008

Kathleen Garcia, Planning Director
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014-2698

Scott Huth, City Manager
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014-2698

Linda Niles, Director
City of Del Mar
Department of Planning/Community
Development
1050 Camino del Mar
Del Mar, CA 92014-2698

Director
City of Del Mar
Fire Department
1050 Camino del Mar
Del Mar, CA 92014-2698

Eric Minicilli, Director
City of Del Mar
Public Works Department
1050 Camino del Mar
Del Mar, CA 92014-2698

Gustavo Vina, City Manager
City of Encinitas
505 South Vulcan Avenue
Encinitas, CA 92024

Scott Henry, Fire Chief
City of Encinitas
Fire and Marine Safety
505 South Vulcan Avenue
Encinitas, CA 92024

Lisa Rudloff, Director
City of Encinitas
Parks and Recreation
505 South Vulcan Avenue
Encinitas, CA 92024

Patrick Murphy, Director
City of Encinitas
Planning and Building
505 South Vulcan Avenue
Encinitas, CA 92024

Larry Watt, Director
City of Encinitas
Public Works Department
160 Calle Magdalena
Encinitas, CA 92024-3633

Peter Weiss, City Manager
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Attn. EIR Review
City of Oceanside
Fire Department Headquarters
300 North Coast Highway
Oceanside, CA 92054

Dennis Martinek, Chair
City of Oceanside
Oceanside Planning Commission
300 North Coast Highway
Oceanside, CA 92054

Local Government (cont.)

Director
City of Oceanside
Parks and Recreation
300 North Coast Highway
Oceanside, CA 92054

Jerry Hittleman, City Planner
City of Oceanside
Planning Department
300 North Coast Highway
Oceanside, CA 92054

Leonard Mata, Sergeant
City of Oceanside
Police Department
3855 Mission Avenue
Oceanside, CA 92054

John Amberson, Transportation Planner
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Director
City of Oceanside
Water Utilities Department
300 North Coast Highway
Oceanside, CA 92054

Director
City of Oceanside
Development Services Department
300 North Coast Highway
Oceanside, CA 92054

Director
City of San Diego
City Planning and Community Investment
Planning Division
202 C Street, MS 5A
San Diego, CA 92101

Cecilia Gallardo, Assistant Deputy Director
of Development Services
City of San Diego
Development Services Department
1222 1st Avenue, MS 501,
San Diego, CA 92101

Stacey LoMedico, Director
City of San Diego
Parks and Recreation Department
202 C Street, MS 37C
San Diego, CA 92101

Roger Bailey, Director
City of San Diego
Public Utilities Department
1222 First Avenue, 4th Floor
San Diego, CA 92101

Jim Barrett, Director
City of San Diego
Water Department
600 B Street, Suite 400, MS 904a
San Diego, CA 92101

David Ott, City Manager
City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075

Denise Olaguer
City of Solana Beach
City Manager's Office
635 South Highway 101
Solana Beach, CA 92075

Attn. EIR Review
City of Solana Beach
Community Development Department
635 South Highway 101
Solana Beach, CA 92075

Attn. EIR Review
City of Solana Beach
Fire Department
500 Lomas Santa Fe Drive
Solana Beach, CA 92075

Director
City of Solana Beach
Parks and Recreation
635 South Highway 101
Solana Beach, CA 92075

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Local Government (cont.)

Director
City of Solana Beach
Public Works Department
635 South Highway 101
Solana Beach, CA 92075

Cheryl Goddard
Land Use/Environmental Planner
County of San Diego Parks and Recreation
5500 Overland Avenue, Suite 410
San Diego, CA 92123

Clerk of the Board
County Administration Center
1600 Pacific Highway, Suite 310
San Diego, CA 92101

County Clerk's Office*
County of San Diego
1600 Pacific Highway
San Diego, CA 92101

County of San Diego
Department of Parks and Recreation
5500 Overland Avenue, Suite 410
San Diego, CA 92123

Attn. EIR Review*
Del Mar Library
1309 Camino del Mar
Del Mar, CA 92014

Dena Whittington, Assistant Superintendent
Del Mar Union School District
11232 El Camino Real
Del Mar, CA 92130

Attn. EIR Review*
Encinitas Library
540 Cornish Drive
Encinitas, CA 92024

Attn. EIR Review
Encinitas Union School District
101 South Rancho Santa Fe Road
Encinitas, CA 92024

William Metcalf, Chief
North County Fire Protection District
330 S. Main Avenue
Fallbrook, CA 92028-2938

Kurt Luhrsen, Principal Planner
North County Transit District
810 Mission Avenue
Oceanside, CA 92054

Matthew O. Tucker, Executive Director
North County Transit District
810 Mission Avenue
Oceanside, CA 92054-2825

Attn. EIR Review*
Oceanside Public Library
330 North Coast Highway
Oceanside, CA 92054

Larry Perondi, Superintendent
Oceanside Unified School District
2111 Mission Avenue
Oceanside, CA 92054

Rob Rundle
San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101

Anne Howard Steinberger,
SANDAG Marketing Manager
San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101

Shelby Tucker
San Diego Association of Governments
Areawide Clearinghouse
401 B Street, Suite 800
San Diego, CA 92101

Tina Christiansen, Director*
San Diego County Library
Solana Beach Branch
157 Stevens Avenue
Solana Beach, CA 92075

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Local Government (cont.)

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

William D. Gore, Sheriff
San Diego County Sheriff's Department
John F. Duffy Administrative Center
P.O. Box 939062
San Diego, CA 92193-9062

Donald Fowler, Captain
San Diego County Sheriff's Department -
Encinitas
175 North El Camino Real
Encinitas, CA 92024

Maureen Stapleton, General Manager
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123

San Diego Fire-Rescue Department
Administrative Office/General Information
1010 2nd Avenue, Suite 400
San Diego, CA 92101

Attn. EIR Review
San Diego Metropolitan Transit System
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7400

Sharon Cooney, Planning Director
San Diego Metropolitan Transit System
1255 Imperial Avenue
San Diego, CA 92101

Attn. EIR Review
San Diego Police Department
1401 Broadway Street
San Diego, CA 92101

William Lansdowne, Chief
San Diego Police Department
1401 Broadway Street
San Diego, CA 92101

Lt. Kevin Mayer
San Diego Police Department
Headquarters
1401 Broadway Street
San Diego, CA 92101

Attn. EIR Review*
San Diego Public Library
Carmel Valley Branch Library
3919 Townsgate Drive
San Diego, CA 92130

Attn. EIR Review*
San Diego Public Library – Central
820 E Street
San Diego, CA 92101

David Gibson, Executive Officer
San Diego Regional Water Quality Control
Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Stuart Hurlbert
San Diego State University
Department of Biology
5500 Campanile Drive
San Diego, CA 92182

San Diego State University
College of Arts and Letters
South Coastal Information Center
4283 El Cajon Boulevard, Suite 250
San Diego, CA 92105

John W. Helmer, Director
San Diego Unified Port District
Land Use Planning
3165 Pacific Highway
San Diego, CA 92101

Attn. EIR Review
San Diego Unified School District
Eugene Brucker Education Center
4100 Normal Street
San Diego, CA 92103

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Local Government (cont.)

Attn. EIR Review
San Dieguito Union High School District
710 Encinitas Boulevard
Encinitas, CA 92024

Local Elected Officials

Carlos Estrella, Chief Fiscal Officer
Solana Beach School District
309 North Rios Avenue
Solana Beach, CA 92075

Leslie Fausset, Superintendent
Solana Beach School District
309 North Rios Avenue
Solana Beach, CA 92075-1298

The Honorable Matt Hall, Mayor
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

The Honorable Keith Blackburn,
Council Member
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

The Honorable Farrah Golshan Douglas,
Council Member
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

The Honorable Mark Packard,
Mayor Pro Tem
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

The Honorable Lorraine Wood,
Council Member
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

The Honorable Terry Sinnott, Mayor
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014

The Honorable Lee Haydu, Deputy Mayor
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014

Al Corti, Council Member
The Honorable City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014

The Honorable Sherryl Parks,
Council Member
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014

The Honorable Don Mosier,
Council Member
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014

The Honorable Teresa Barth, Mayor
City of Encinitas
505 South Vulcan Avenue
Encinitas, CA 92024

The Honorable Lisa Shaffer, Deputy Mayor
City of Encinitas
505 South Vulcan Avenue
Encinitas, CA 92024

The Honorable Tony Kranz, Council Member
City of Encinitas
505 South Vulcan Avenue
Encinitas, CA 92024

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Local Elected Officials (cont.)

The Honorable Kristin Gaspar,
Council Member
City of Encinitas
505 South Vulcan Avenue
Encinitas, CA 92024

The Honorable Mark Muir, Council Member
City of Encinitas
505 South Vulcan Avenue
Encinitas, CA 92024

The Honorable Jim Wood, Mayor*
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

The Honorable Gary Felien,
Council Member
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

The Honorable Jack Feller, Council Member
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

The Honorable Jerome Kern, Deputy Mayor
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

The Honorable Esther Sanchez,
Council Member
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

The Honorable Todd Gloria, Interim Mayor
City of San Diego
City Administration Building, 11th Floor
202 C Street
San Diego, CA 92101

The Honorable Sherri Lightner,*
Council Member, District 1
City of San Diego
City Administration Building
202 C Street
San Diego, CA 92101

The Honorable Kevin Faulconer,
Council Member, District 2
City of San Diego
City Administration Building
202 C Street
San Diego, CA 92101

The Honorable Todd Gloria
Council President, District 3
City of San Diego
City Administration Building
202 C Street
San Diego, CA 92101

The Honorable Myrtle Cole
Council Member, District 4
City of San Diego
City Administration Building
202 C Street
San Diego, CA 92101

The Honorable Mark Kersey
Council Member, District 5
City of San Diego
City Administration Building
202 C Street
San Diego, CA 92101

The Honorable Lorie Zapf,
Council Member, District 6
City of San Diego
City Administration Building
202 C Street
San Diego, CA 92101

The Honorable Scott Sherman
Council Member, District 7
City of San Diego
City Administration Building
202 C Street
San Diego, CA 92101

The Honorable Marti Emerald,
Council Member, District 9
City of San Diego
City Administration Building
202 C Street
San Diego, CA 92101

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Local Elected Officials (cont.)

The Honorable David Alvarez,
Council Member, District 8
City of San Diego
City Administration Building
202 C Street
San Diego, CA 92101

The Honorable Mike Nichols, Mayor*
City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075

The Honorable Thomas M. Campbell
Deputy Mayor
City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075

The Honorable Lesa Heebner,
Council Member
City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075

The Honorable Peter Zahn
Council Member
City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075

The Honorable David Zito
Council Member
City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075

The Honorable Greg Cox, Supervisor,
1st District*
San Diego County Board of Supervisors
1600 Pacific Highway
San Diego, CA 92101

The Honorable Dianne Jacob, Supervisor,
2nd District*
San Diego County Board of Supervisors
1600 Pacific Highway
San Diego, CA 92101

The Honorable Dave Roberts, Supervisor,
3rd District*
San Diego County Board of Supervisors
1600 Pacific Highway, Room 335
San Diego, CA 92101

The Honorable Ron Roberts, Supervisor,
4th District*
San Diego County Board of Supervisors
1600 Pacific Highway, Room 335
San Diego, CA 92101

The Honorable Bill Horn, Supervisor,
5th District*
San Diego County Board of Supervisors
1600 Pacific Highway, Room 335
San Diego, CA 92101

Native American Organizations and Contacts

Barona Group of Capitan Grande Band of
Mission Indians
Barona Band of Mission Indians
1095 Barona Road
Lakeside, CA 92040

EPA Specialist
Barona Group of Capitan Grande Band of
Mission Indians
Barona Band of Mission Indians
1095 Barona Road
Lakeside, CA 92040

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Native American Organizations and Contacts (cont.)

Clifford LaChappa, Chairman
Barona Group of Capitan Grande Band of
Mission Indians
Barona Band of Mission Indians
1095 Barona Road
Lakeside, CA 92040

Luther Salgado, Sr., Chairman
Cahuilla Band of Mission Indians
5270 Highway 371
P.O. Box 391760
Anza, CA 92086

Ralph Goff, Chairman
Campo Kumeyaay Nation
36190 Church Road, Suite 1
Campo, CA 91906

Harry Paul Cuero, Vice Chairman
Campo Kumeyaay Nation
36190 Church Road, Suite 1
Campo, CA 91906

Fidel Hyde, EPA Supervisor
Campo Kumeyaay Nation
36190 Church Road, Suite 1
Campo, CA 91906

Jim Velasques
Coastal Gabrielino Diegueño
5776 42nd Street
Riverside, CA 92509

Michael Garcia, EPA Director
Ewiiapaayp Band of Kumeyaay Indians
4054 Willows Road
Alpine, CA 91901

Will Micklin, Executive Director
Ewiiapaayp Band of Kumeyaay Indians
4054 Willows Road
Alpine, CA 91901

Robert Pinto, Chairperson
Ewiiapaayp Band of Kumeyaay Indians
4054 Willows Road
Alpine, CA 91901

Rebecca Osuna, Chairwoman
Inaja-Cosmit Band of Mission Indians
2005 South Escondido Boulevard
Escondido, CA 92025-8207

Raymond Hunter
Jamul Band of Mission Indians
P.O. Box 612
Jamul, CA 91935

Erica M. Pinto, Vice-Chairperson
Jamul Band of Mission Indians
P.O. Box 612
Jamul, CA 91935

Mike Aguilar, Environmental Coordinator
Juaneño Band of Mission Indians
P.O. Box 25628
Santa Ana, CA 92799

David Belardes, Chairperson
Juaneño Band of Mission Indians
Acjachemen Nation
P.O. Box 25628
Santa Ana, CA 92799

Alfred Cruz, Cultural Resources Director
Juaneño Band of Mission Indians
Acjachemen Nation
P.O. Box 25628
Santa Ana, CA 92799

Teresa M. Romero, Chairwoman
Juaneño Band of Mission Indians
Acjachemen Nation
P.O. Box 25628
Santa Ana, CA 92799

Jacque S. Tahuka-Nunez, Vice-
Chairwoman
Juaneño Band of Mission Indians
Acjachemen Nation
P.O. Box 25628
Santa Ana, CA 92799

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Native American Organizations and Contacts (cont.)

Anita Espinoza

Juaneño Band of Mission Indians
Acjachemen Nation
1740 Concerto Drive
Anaheim, CA 92807

Sonia Johnston, Chairperson
Juaneño Band of Mission Indians
Acjachemen Nation
P.O. Box 25628
Santa Ana, CA 92799

Joyce Perry, Tribal Manager & Cultural
Resources
Juaneño Band of Mission Indians
Acjachemen Nation
4955 Paseo Segovia
Irvine, CA 92675

Anthony Rivera, Jr., Chairperson
Juaneño Band of Mission Indians
Acjachemen Nation
31411-A La Matanza Street, Suite A
San Juan Capistrano, CA 92675-2674

Steve Banegas, Spokesperson
Kumeyaay Cultural Repatriation Committee
1095 Barona Road
Lakeside, CA 92040

Ron Christman
Kumeyaay Cultural Historic Committee
56 Viejas Grade Road
Alpine, CA 91901

Paul Cuero
Kumeyaay Cultural Heritage Preservation
36190 Church Road, Suite 5
Campo, CA 91906

Carmen Lucas
Kwaaymil Laguna Beach Band of Mission
Indians
P.O. Box 775
Pine Valley, CA 91962

James Trujillo, Vice-Chairperson
La Jolla Band of Luiseño Indians
22000 Highway 76
Pauma Valley, CA 92061

LaVonne Peck, Chairperson
La Jolla Band of Luiseño Indians
22000 Highway 76
Pauma Valley, CA 92061

Rob Roy, Environmental Director
La Jolla Band of Luiseño Indians
22000 Highway 76
Pauma Valley, CA 92061

EPA Director
La Posta Band of Mission Indians
P.O. Box 1120
Boulevard, CA 91905

Gwendolyn Parada, Chairperson
La Posta Band of Mission Indians
P.O. Box 1120
Boulevard, CA 91905

Evelyn Duro, Tribal Administrator
Los Coyotes Band of Cahuilla and
Cupeño Indians
P.O. Box 189
Warner Springs, CA 92086-0189

Shane Chapparosa, Tribal Spokesperson
Los Coyotes Band of Cahuilla and Cupeño
Indians
P.O. Box 189
Warner Springs, CA 92086-0189

Melody Sees, Environmental Director
Los Coyotes Band of Cahuilla and Cupeño
Indians
P.O. Box 189
Warner Springs, CA 92086-0189

Leroy Elliot, Chairperson
Manzanita Band of Mission Indians
P.O. Box 1302
Boulevard, CA 91905

EPA Director
Manzanita Band of Mission Indians
P.O. Box 1302
Boulevard, CA 91905

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Native American Organizations and Contacts (cont.)

Mark Romero, Chairperson
Mesa Grande Band of Mission Indians
P.O. Box 270
Santa Ysabel, CA 92070

Shasta C. Gaughen, Tribal Historic
Preservation Officer
Pala Band of Mission Indians
Cupa Cultural Center
35008 Pala-Temecula Road, PMB 50
Pala, CA 92059

Robert Smith, Tribal Chairman
Pala Band of Mission Indians
12196 Pala Mission Road
Pala, CA 92059

Bennae Calac, Council Member
Pauma Band of Luiseño Indians
P.O. Box 369
Pauma Valley, CA 92061

Randall Majel, Chairperson
Pauma Band of Luiseño Indians
P.O. Box 369
Pauma Valley, CA 92061

Raymond Basquez
Pechanga Band of Mission Indians
P.O. Box 1477
Temecula, CA 92593

Mark Macarro, Chairperson
Pechanga Band of Mission Indians
P.O. Box 1477
Temecula, CA 92593

Rose Duro
Rincon Band of Luiseño Indians
Cultural Committee
1 West Tribal Road
Valley Center, CA 92082

Stephanie Spencer, Chairperson
Rincon Band of Luiseño Indians
Rincon Heritage Commission
1 West Tribal Road
Valley Center, CA 92082

Bo Mazzetti, Tribal Chairman
Rincon Band of Luiseño Indians
1 West Tribal Road
Valley Center, CA 92082

Tribal Historic Preservation Officer
Rincon Band of Luiseño Indians
1 West Tribal Road
Valley Center, CA 92082

Tiffany Wolfe, EPA
Rincon Band of Luiseño Indians
1 West Tribal Road
Valley Center, CA 92082

Henry Contreras, Council Member
San Luis Rey Band of Luiseño Indians
1763 Chapulin Lane
Fallbrook, CA 92028

Merri Lopez-Keifer, Tribal Legal Counsel
San Luis Rey Band of Luiseño Indians
1889 Sunset Drive
Vista, CA 92081

Carmen Mojado, Co-Chairperson
San Luis Rey Band of Luiseño Indians
1889 Sunset Drive
Vista, CA 92081

Russell Romo, Chairperson
San Luis Rey Band of Luiseño Indians
12064 Old Pomerado Drive
Poway, CA 92064

Mel Vernon, Captain
San Luis Rey Band of Luiseño Indians
P.O. Box 1
Pala, CA 92059

Allen E. Lawson, Jr., Chairperson
San Pasqual Band of Mission Indians
P.O. Box 365
Valley Center, CA 92082

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Native American Organizations and Contacts (cont.)

David Largo, Cultural Resource Manager
Santa Rosa Band of Cahuilla Indians
P.O. Box 65200
Hwy. 74
Mountain Center, CA 92539

Clint Linton, Director of Cultural Resources
Santa Ysabel Band of Diegueño Indians
P.O. Box 507
Santa Ysabel, CA 92070

Virgil Perez, Spokesperson
Iipay Nation of Santa Ysabel Band of
Diegueño Indians
P.O. Box 130
Santa Ysabel, CA 92070

Erica Helms-Schenk,
Environmental Director
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581

Rosemary Morillo, Chairperson
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581

Joseph Ontiveros, Director
Soboba Cultural Resources Department
P.O. Box 487
San Jacinto, CA 92581

Sydney Morris, Environmental Coordinator
Sycuan Band of the Kumeyaay Nation
1 Kwaaypaay Court
El Cajon, CA 92019

Daniel Tucker, Chairperson
Sycuan Band of the Kumeyaay Nation
1 Kwaaypaay Court
El Cajon, CA 92019

Dean Mike, Chairperson
Twenty-Nine Palms Band of Mission Indians
46-200 Harrison Place
Coachella, CA 92236

Tribal EPA
Twenty-Nine Palms Band of Mission Indians
47-250 Dillon Road
Coachella, CA 92236

Anthony R. Pico, Chairperson
Viejas Band of Kumeyaay Indians
P.O. Box 908
Alpine, CA 91903

Interested Companies, Organizations, Citizens and Community Planning Groups

Faeren Adams
4584 Georgia Street, #4
San Diego, CA 92116

Mike Melts, Board Chair
Agua Hedionda Lagoon Foundation
1580 Cannon Road
Carlsbad, CA 92008

Douglas Alden
610 Marine View Avenue
Del Mar, CA 92104

Bruce Allen
660 N. Granados Avenue
Solana Beach, CA 92075

Scott J. Allen
2750 Wheatstone, No. 19
San Diego, CA 92111

Carolyn Ames
2923 Cape Sebastian Place
Cardiff-by-the-Sea, CA 92007

Linda Andrews
13220 Ocean Vista Road
San Diego, CA 92130

Andy Anson
1028 Pine Avenue
Carlsbad, CA 92008

Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Cecilia Kemper
Arroyo Sorrento Homeowner's Association
P.O. Box 2183
Del Mar, CA 92014

Jill McCarty
Arroyo Sorrento Property Owners
3929 Arroyo Sorrento Road
San Diego, CA 92130

Jerry Schaefer, Ph.D.
ASM Affiliates
2034 Corte Nogal
Carlsbad, CA 92009

Joan Bach
13094 Portofino Drive
Del Mar, CA 92014

Frances Bachman
1134 San Ricardo Court
Solana Beach, CA 92045

Joseph Bachman
1134 San Ricardo Court
Solana Beach, CA 92075

Carol Ball
120 S. Kihridge Lane
Encinitas, CA 92024

Janice Barnard
12777 Via Esperia
Del Mar, CA 92014

Teresa Barth
2140 K Orinda Drive
Cardiff-by-the-Sea, CA 92007

Robert L. Barto
8803 Robinhood Lane
La Jolla, CA 92037-2138

Anthony S. Basile
6944 Waters End Drive
Carlsbad, CA 92011

Fred C. Sandquist, President and Board
Member
Batiquitos Lagoon Foundation
P.O. Box 130491
Carlsbad, CA 92013

Charlie Baumgart
139 Ebano Court
Solana Beach, 92075

Phyllis Baumgart
139 Ebano Court
Solana Beach, CA 92075

Laurie Beach
560 Gardena Court
Encinitas, CA 92024

Tim Bearden
4216 Thomas Street
Oceanside, CA 92056

William Beck
760 San Mario Drive
Solana Beach, CA 92075

Sharon Beckas
7465 Olivetas Ave., Apt. 221
La Jolla, CA 92037

Carol Becker
2120 Via Mar Valle
Del Mar, CA 92014-3627

Geraldine Beckord
201 Mangano Circle
Encinitas, CA 92024

Tom Beckord
201 Mangado Circle
Encinitas, CA 92024

Barbara Beeby
6706 Clover Street
Carlsbad, CA 92011

John Bell
2345 Kettner Boulevard
San Diego, CA 92101

Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Amy Hoyt Bennett
824 Del Rio Avenue
Encinitas, CA 92024

Amy Besser
433 Dell Court
Solana Beach, CA 92075

Chris Betancourt
45298 Esplendor Court
Temecula, CA 92592

Joan Bockman
1017 Alberta Avenue
Oceanside, CA 92054

Jill Bodenbach
361 Carmel Creeper Place
Encinitas, CA 92024

Diane E. Bond
Bleiler & Bond APC
12555 High Bluff Drive, Suite 150
San Diego, CA 92130

Ellie Bonner
7357 Gabbiano Lane
Carlsbad, CA 92011

Vernon Bonner
7357 Gabbiano Lane
Carlsbad, CA 92011

Kelly and Roger Boyd
802 Devonshire
Encinitas, CA 92024

Mary Jane Boyd
1304 Via Mil Cumbres
Solana Beach, CA 92075

Roger Boyd
1304 Via Mil Cumbres
Solana Beach, CA 92075

Cheryl Bray
671 Dell Street
Solana Beach, CA 92075

Robin E. Brey
521 Sweet Pea Place
Encinitas, CA 92024

Rick Brooks
669 Ida Avenue
Solana Beach, CA 92075

Daniel J. Brown
13259 Portofino Drive
Del Mar, CA 92014

James L. Brown
280 La Veta Avenue
Encinitas, CA 92024

Jervis D. Brown
579 La Costa Avenue
Encinitas, CA 92024

Brown Family Trust
561 La Costa Avenue
Encinitas, CA 92024

Kim Brownell
1786 Swallowtail Road
Encinitas, CA 92024

Joan M. Herskowitz
Conservation Co-chair
Buena Vista Audubon Society
P.O. Box 480
Oceanside, CA 92049

Dennis Huckabay, President
Buena Vista Lagoon Foundation
P.O. Box 4516
Carlsbad, CA 92008

Ronald W. Wotton, Executive Director
Buena Vista Lagoon Foundation
P.O. Box 4516
Carlsbad, CA 92018

Joan Bullock
1800 Bayberry Drive
Oceanside, CA 92054

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Mike Bullock
1800 Bayberry Drive
Oceanside, CA 92054

Tony Burger
372 Glencrest
Solana Beach, CA 92075

Martin Buser
430 South Nardo Avenue
Solana Beach, CA 92075

Alisa Burns
California Native Plant Society
2707 K Street, Suite 1
Sacramento, CA 95816-5113

Frank Landis, Conservation Chair
California Native Plant Society,
San Diego Chapter
P.O. Box 121390
San Diego, CA 92112-1390

California Wildlife Federation
P. O. Box 1527
Sacramento, CA 95812-1527

Sheila S. Cameron
1662 Candor Drive
Leucadia, CA 92024

Craig Campion
631 Poinsettia Park Court
Encinitas, CA 92024

Lisa Canning
7605 Norvanyon Way
San Diego, CA 92126

Mary Cappadonna
1014 Laguna Drive, No. 5
Carlsbad, CA 92008

Walter Carlin
14024 Rue Dazur
Del Mar, CA 92014

Carlsbad Chamber of Commerce
5934 Priestly Drive
Carlsbad, CA 92008

Kim Carlson
1529 LauraLynn Place
Oceanside, CA 92054

Isabelle Kay
Carmel Mountain Conservancy
UCSD Natural Reserve System
9500 Gilman Drive
San Diego, CA 92093-0116

Joetta Mihalovic, Chair
Carmel Mountain Ranch Community Council
11705 Aldercrest Point
San Diego, CA 92131-3861

Frisco White, Chair
Carmel Valley Community Planning Board
5335 Camino Exquisito
San Diego, CA 92130

Carmel Valley Community Service Center
3840 Valley Centre Drive, Ste. 602, MS 101
San Diego, CA 92130

John Northrup
Carmel Valley Trail Riders Coalition
7015 Vista del Mar Avenue
La Jolla, CA 92037

Carol Carr
11305 Carmel Creek Road
San Diego, CA 92130

Thomas W. Carr
13672 Mango Drive
Del Mar, CA 92014

Gloria Carranza
2215 Nob Hill Drive
Carlsbad, CA 92008

Gloria Carranza
1015 Chestnut Avenue, B3
Carlsbad, CA 92008

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Cassie Carter
446 Carmel Creeper Place
Encinitas, CA 92024

Joel S. Moskowitz, General Counsel
Caruso Acquisition Company II, LLC
On behalf of San Diego Gas & Electric
101 The Grove Drive
Los Angeles, CA 90036

Center for Biological Diversity
PMB 447, 8033 Sunset Boulevard
San Diego, CA 90046-2401

Nadine Cerqua
765 Stratford Drive
Encinitas, CA 92024

David Chadwick
4403 Highland Drive
Carlsbad, CA 92008

Jen Charat
4981 Sanshore Court
San Diego, CA 92130

Don Christiansen
3715 Longview Drive
Carlsbad, CA 92010

Steven J. Goetsch, Ph.D., Chair
Citizens Against Freeway Expansion (CAFE)
837 Santa Rosita
Solana Beach, CA 92075

Dave Clemons
543 Glenmont Drive
Solana Beach, CA 92075-1312

Duncan McFetridge
Cleveland National Forest Foundation
P.O. Box 779
Descanso, CA 91916

Marco Gonzalez, Executive Director
Coastal Environmental Rights Foundation
1140 South Coast Highway 101
Encinitas, CA 92024

Rachelle Collier
287 Hillcrest Drive
Encinitas, CA 92024

Andrew Concors
1632 Olmeda
Encinitas, CA 92024

Jim Coniglio
854 Heather Lane
Carlsbad, CA 92011

Don Connors
921 Begonia Court
Carlsbad, CA 92009

Peter R. Conrad
349 Carmel Creeper Place
Encinitas, CA 92024

Jill Cooper
1019 San Patricio Drive
Solana Beach, CA 92075

Jeff Cours
417 Santa Dominga
Solana Beach, CA 92075

Judy Cours
263 La Barranta Drive
Solana Beach, CA 92075

Andrew Crane
1834 Pleasantdale Drive
Encinitas, CA 92024

Peggy Crane
2297 Bryant Drive
Carlsbad, CA 92008

Marty Gigler
Crest Canyon Citizens Advisory Committee
13931 Durango Drive
Del Mar, CA 92014

Mike Crull
1836 Marlinda Way
El Cajon, CA 92021

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

John B. Cumming
2855 Carlsbad Boulevard, N116
Carlsbad, CA 92008

Kevin Cummins
1691 Eolus Avenue
Leucadia, CA 92024

Jim Curl
13765 Mira Montana Drive
San Diego, CA 92014

Dawn Curtis
354 Carmel Creeper Place
Encinitas, CA 92024

Jeff Curtis
354 Carmel Creeper Place
Encinitas, CA 92024

Laura Dahan
741 Santa Florencia
Solana Beach, CA 92075

Elaine Daily
802 Santa Regina
Solana Beach, CA 92075

John Daily
802 Santa Regina
Solana Beach, CA 92075

Rod Riggs, Managing Editor
Daily Transcript
P.O. Box 85469
San Diego, CA 92138-5469

Cindy Davenport
541 Crouch Street
Oceanside, CA 92054

Michael Davidson
720 Sonrisa Street
Solana Beach, CA 92075

Andres Davis
671 Ida Avenue
Solana Beach, CA 92075

Joe Dawson
123 Triton Circle
Encinitas, CA 92024

John Debeer
1630 Burgundy Road
Encinitas, CA 92024

Deborah DeBow
PO Box 675922
Rancho Santa Fe, CA 92067-5922

Darius John Degher
171 Sanford Street
Encinitas, CA 92024

Everett DeLano
DeLano & DeLano
220 W. Grand Avenue

Escondido, CA 92025
Darlena Del Mar
832 Ida Avenue
Solana Beach, CA 92075

Timothy Fennell, General Manager
22nd District Agricultural Association
Del Mar Fairgrounds
2260 Jimmy Durante Boulevard
Del Mar, CA 92014

Dustin Fuller, Sr. Environmental Planner
22nd District Agricultural Association
Del Mar Fairgrounds
2260 Jimmy Durante Boulevard
Del Mar, CA 92014

Paul Metcalf, Chair
Del Mar Mesa Community Planning Board
5681 Bellevue Avenue
La Jolla, CA 92037

Nancy Wasko
Del Mar Regional Chamber of Commerce
1104 Camino del Mar, Suite 1
Del Mar, CA 92014

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Del Mar Terrace Property Owners Association
12716 Via Grimaldi
Del Mar, CA 92014

Ann Dempsey
P.O. Box 116 (1250 Crest Road)
Del Mar, CA 92014

Faye Detsky-Weil
13464 Calais Drive
Del Mar, CA 92014-3524

Russ Detweiler
1041 Monterey Vista Way
Encinitas, CA 92024

Eleni DeVall
4213 Cielo Avenue
Oceanside, CA 92056

Angela DeVargas
3218 Eureka Place
Carlsbad, CA 92008

Jim Dietz
458 Holmwood Lane
Solana Beach, CA 92075

John DiGiacomo
3471 Jefferson Street
Carlsbad, CA 92008

Michael DiPietro
534 Sweet Pea Place
Encinitas, CA 92024

Darius John Dither
171 Sanford Street
Encinitas, CA 92024

Marion Dodson
Box 1990
Rancho Santa Fe, CA 92067

Mary Dokken
2810 Pine Avenue,
Carlsbad, CA 92008

Law Offices of David R. Thompson
On Behalf of Mary Dokken
580 Beech Avenue, Suite C
Carlsbad, CA 92008

Dawn Douglas
13190 Carousel Lane
Del Mar, CA 92014

Bradley L. Dow II
1460 Orpheus Avenue
Encinitas, CA 92024

Courtney Dow
1460 Orpheus Avenue
Encinitas, CA 92024

Carl and Mary Dreibelbis
1210 Laguna Street
Oceanside, CA 92054

Neil Ducker
1446 Moreno Street
Oceanside, CA 92054

C. Faye Duggan
5861 Harbor Street
San Diego, CA 92122

J. Duncan
6927 Whitecap Drive
Carlsbad, CA 92011

Otto Emme
2290 Via Lucia
San Diego, CA 92037

Michael Klein, D.M.D., President
Encinitas Chamber of Commerce
1106 Second Street, #112
Encinitas, CA 92024

Michael Beck, San Diego Director
Endangered Habitats League
615 La Cresta Boulevard
Crest, CA 92021

Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Sean Englert
6992 Sandcastle Drive
Carlsbad, CA 92011

Charles Evendorff
1645 MacKinnon Avenue
Cardiff-by-the-Sea, CA 92007

Peter K. Fagen
1 Civic Center Drive, Suite 300
San Marcos, CA 92069

Brett Farrow
125 Mozart Avenue.
Cardiff-by-the-Sea, CA 92007

Robert Feher
924 Santa Queta
Solana Beach, CA 92075

Doug Fiske
157C West Glaucus Street
Encinitas, CA 92024

Heidi Franczyk
810 Leonard Avenue
Oceanside, 92054

Karen Fraser
283 Hillcrest Drive
Encinitas, CA 92024

Linda Fredin
557 San Mario Drive
Solana Beach, CA 92075

Jacqueline Winterer
Friends of the San Dieguito River Valley
P.O. Box 973
Del Mar, CA 92014

Maggie Brown, President
Friends of the San Dieguito River Valley
P.O. Box 973
Del Mar, CA 92014

Friends of Los Peñasquitos Canyon Preserve
P.O. Box 26523
San Diego, CA 92196

Deborah Knight
Friends of Rose Canyon
6804 Fisk Avenue
San Diego, CA 92122

David Frisk
767 Orpheus Avenue
Encinitas, CA 92024

Gary Frost
557 San Mario Drive
Solana Beach, CA 92075

Jim Gale
1417 Eastview Court
Oceanside, CA 92056

Chris & Karie Galindo
P.O. Box 130752
Carlsbad, CA 92013

Joe Gallagher
515 Vine Street
Oceanside, CA 92055

Vicky Gallagher
3834 Fallon Circle
San Diego, CA 92130

G. Gardner
543 Windsock Way
Carlsbad, CA 92011

James and Mary Geary
2530 Davis Avenue
Carlsbad, CA 92008

Jessica Geipel
1923 Park Crest Drive
Cardiff-by-the-Sea, CA 92007

Jesse Giessow
1003 Hygeia Avenue
Encinitas, CA 92024

Jim Gilbert
409 Hoover Street
Oceanside, CA 92056

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Dan Gilleon
13413 Racetrack View Court
San Diego, CA 92014

Pierre Godefroy
13151 Shalimar Place
Del Mar, CA 92014

Harvey Goldman
14082 Mango Drive
Del Mar, CA 92014

David Golman
404 Andrew Avenue
Encinitas, CA 92024

Dr. Dolores G. Gonzales
110 Mangano Circle
Encinitas, CA 92024

Ruben Gonzales
110 Mangano Circle
Encinitas, CA 92024

Jane Goodman
577 Silver Berry Place
Encinitas, CA 92024

Diana Gordon
12229 Carmel Vista Road, #252
San Diego, CA 92130

Julie Graboi
1314 Desert Rose Way
Encinitas, CA 92024

Veronica Grandpre
838 Ida Avenue
Solana Beach, CA 92075

Kevin Grant
2746 Caminito Cedros
Del Mar, CA 92014

Katherine Green
1419 Willowview Court
Encinitas, CA 92024

Pete Zahn, Chairman
Green Chamber of San Diego County
4542 Ruffner Street, Suite 110
San Diego, CA 92111

Nicole Capretz, Director
Green Energy/Good Jobs Initiative
Environmental Health Coalition
2727 Hoover Avenue, Suite 202
National City, CA 91950

Irina Gronborg
424 Dell Court
Solana Beach, CA 92075

Louie Guassac
P.O. Box 270
Santa Ysabel, CA 92070

Thomas Guminski, Staff Engineer
Components Engineering
5775 Morehouse Drive
San Diego, CA 92121

Danna Gunther
685 Sweet Pea Place
Encinitas, CA 92024

Harry Guzelimian
1046 Santa Florencia
Solana Beach, CA 92075

Allen M. Jones, Vice President
Land Planning and Development
H.G. Fenton Company
7577 Mission Valley Road, #200
San Diego, CA 92108

Diane Hardison
813 Santa Rosita
Solana Beach, CA 92075

Dr. James M. Hardison, Ph.D.
803 Santa Rosita
Solana Beach, CA 92075

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Marguerite Harkins
1909 Playa Riviera Drive
Cardiff-by-the-Sea, CA 92007-1431

Florence Harrod
139 Cerro Street
Encinitas, CA 92024

Joel Hartley
212 S. Rios Avenue
Solana Beach, CA 92075

Doug & Sheryl Harvey
2747 Caminito Cedros
Del Mar, CA 92014

Susan Harvey
1129 Sycamore View Drive
Encinitas, CA 92024

John Haughey, M.D.
904 Shore Crest Road
Carlsbad, CA 92011

Anne Hawkins
2427 Caminito Ocean Cove
Cardiff-by-the-Sea, CA 92007

Mary Hayward
P.O. Box 20863
El Cajon, CA 92019

Susie Hedrick
434 Santa Dominga
Solana Beach, CA 92075

Judy Hegenauer
431 Glenmont Drive
Solana Beach, CA 92075

Jane Hendricks
1218 Sidonia Street
Encinitas, CA 92024

Paul Henkart
918 Santa Hidalgo
Solana Beach, CA 92075

Juanito H. Maravilla, Legal Secretary
Shute, Mihaly & Weinberger, LLP
On Behalf of Paul Henkart
396 Hayes Street
San Francisco, CA 94102

Luther/Virginia Herrie
1442 Moreno Street
Oceanside, CA 92054

Laura Herron
3627 Voyager Circle
San Diego, CA 92130

David Herskowitz
1175 Kildeer Court
Encinitas, CA 92024

Joan Herskowitz
1175 Kildeer Court
Encinitas, CA 92024

Cody Hewitt
542 Sweet Pea Place
Encinitas, CA 92024

Lisa Hewitt
Nova Biologics, Inc.
1714 Ord Way
Oceanside, CA 92056

Lauren Hinton
341 Carmel Creeper Place
Encinitas, CA 92024

Bobbie Hoder, President, Board of Directors
Hospice of the North Coast
2525 Pio Pico Drive, Suite 301
Carlsbad, CA 92008

Sara Hoff
1089 Evergreen Drive
Encinitas, CA 92024

Victoria Holman
1023 Santa Florencia
Solana Beach, CA 92075

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Sara Honadle
 1040 South Coast Highway 101
 Encinitas, CA 92024

Harland Huftel
 7450 Altiva Place
 Carlsbad, CA 92009

Dennis Huiras
 13439 Portofino Drive
 Del Mar, CA 92014

Yvonne Huiras
 13439 Portofino Drive
 Del Mar, CA 92014

Karen Iwrey
 702 West Solana Circle
 Solana Beach, CA 92075

Ellen Jenne
 4226 Mt. Henry Avenue
 San Diego, CA 92117

Dana Johnson
 816 Caminito del Mar
 Carlsbad, CA 92011

Penny Johnson
 1360 Hillview Court
 Carlsbad, CA 92008

Jeanne Jones
 1742 Swallowtail Road
 Encinitas, CA 92024

Michael Jones
 4444 Via Amable
 San Diego, CA 92122

Gary Joynes
 963 Robley Place
 Cardiff-by-the-Sea, CA 92007

Allan Juliussen
 1935 Leucadia Scenic Court
 Encinitas, CA 92024

Hitomi Kawashima
 5173 Great Meadow Drive
 San Diego, CA 92130

Richard Kennedy
 1465 Ravean Court
 Encinitas, CA 92024

Mike Kilcoin
 13404 Portofino Drive
 Del Mar, CA 92014

Janet King
 908 Stevens Avenue
 Solana Beach, CA 92075

Kate King
 901 San Juan Place
 Oceanside, CA 92058

Robert Kingston
 724 Camino Santa Barbara
 Solana Beach, CA 92075

Carol Kissin
 5162 Prado Court
 Oceanside, CA 92057

Shirley Klein
 141 Turner Avenue
 Encinitas, CA 92024

Ora Lee Klemme
 602 S. Nevada Street
 Oceanside, CA 92054

Helen E. Klich
 1005 Highland Drive
 Del Mar, CA 92014

Jason Knapp
 1253 Santa Luisa Drive
 Solana Beach, CA 92075

Thomas E. & Margaret L. Knothe
 13724 Sagewood Drive
 Poway, CA 92064

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

James H. Knott, III
127 Sherri Lane
Oceanside, CA 92054

Connie Knox
516 Monterey Drive
Oceanside, CA 92058

Dorothy H. Knox
13019 Longboat Way
Del Mar, CA 92014

Ron & Noreen Kolek
594 Sweet Pea Place
Encinitas, CA 92024

Kyle Krahel-Frolander
570 Hidden Canyon Way, Unit C
Oceanside, CA 92054

Jill Kramer
618 Silver Berry Place
Encinitas, CA 92024

Ursula Krane
13627 Calais Drive
Del Mar, CA 92014

Kerrin Krause
1220 Stratford Lane
Carlsbad, CA 92008

Diana & Jay Kutlow
1634 Glasgow Avenue
Cardiff-by-the-Sea, CA 92007

James "Jimmy" Knott
La Salina Home and Oceanside Mobile
Home Alliance Director
Homeowners/
Residents Representative
La Salina Mobile Village
1550 South Coast Highway
Oceanside, CA 92054

Howard LaGrange
2575 Jason Court
Oceanside, CA 92056

Elizabeth Landeros
1028 Pine Avenue
Carlsbad, CA 92008

Richard C. Lantz
2844 Wilson Street
Carlsbad, CA 92008

Catherine Lanzi
501 Sweet Pea Place
Encinitas, CA 92024

Abi Lawrance
835 Stratford Drive
Encinitas, CA 92024

Kimberly Lawrence
357 Carmel Creeper Place
Encinitas, CA 92024

Lynda Laws
926 Nalbey Street
Cardiff-by-the-Sea, CA 92007

Frank D. Layton
962 Santa Hidalgo
Solana Beach, CA 92075

Shirley Layton
962 Santa Hidalgo
Solana Beach, CA 92075

James Lazar
802 SkySail Avenue
Carlsbad, CA 92011

Diane Mochizuki, Natural Resources Director
League of Women Voters North Coast
San Diego County
P.O. Box 131272
Carlsbad, CA 92013

Mary LeBlanc
834 Bluewater Road
Carlsbad, CA 92011

Freda Lee
1403 Willowview Court
Encinitas, CA 92024

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Sam Lee
545 Sweet Pea Place
Encinitas, CA 92024

Linda Collins Leigh
1938 Playa Riviera Drive
Cardiff-by-the-Sea, CA 92007

Charles Leighton
462 Santa Alicia
Solana Beach, CA 92075

Gerald Lelais
3965 Caminito del Mar Surf
San Diego, CA 92130

Carolyn Manning, Secretary
Leucadia Village Homeowners Association
Board of Directors
502 Southbridge Court
Encinitas, CA 92024

Paul Bushee, General Manager
Leucadia Wastewater District
1960 La Costa Avenue
Carlsbad, CA 92009

Robert Lewis
13713 Recuerdo Drive
Del Mar, CA 92014

Tom Liegler
P.O. Box 3322
Rancho Santa Fe, CA 92067

Kathleen Lindemann
518 Southbridge
Encinitas, CA 92024

Maria Lindley
940 Urania Avenue
Encinitas, CA 92024

Ron Lindley
940 Urania Avenue
Encinitas, CA 92024

Roxy Linfesty
809 Kalpati Circle, #325
Carlsbad, CA 92008

Eric Lodge
507 Morview Lane
Solana Beach, CA 92075

Jeff & Ginny Lorenz
749 Poinsettia Park South
Encinitas, CA 92024

Geoffrey Smith
Los Peñasquitos Canyon Preserve Citizens
Advisory Committee
1512 Frederick Street
Santa Rosa, CA 95401

Mike Hastings, Executive Director
Los Peñasquitos Lagoon Foundation
P.O. Box 940
Cardiff-by-the-Sea, CA 92007

Clare Luconi
6907 Quiet Cove Drive
Carlsbad, CA 92011

Jeff Lyle
1033 Solana Drive
Del Mar, CA 92014

Shari Mackin
1469 Moreno Street
Oceanside, CA 92054

Don MacLeod
536 South Rios Avenue
Solana Beach, CA 92075

Kristin MacLeod
536 S. Rios Avenue
Solana Beach, CA 92075

Jim Madrid
1436 Peartree Court
Encinitas, CA 92024

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Magnin Residence
7153 Linden Terrace
Carlsbad, CA 92011

Art Magnuson
5209 Caminito Vista Lujo
San Diego, CA 92130

Gracinda Maier
942 San Lorenzo
Solana Beach, CA 92075

Jean Marchese
1615 Olmeda Street
Encinitas, CA 92024

Lisa Margolin-Feher
991c Lomas Santa Fe Drive, Suite 424
Solana Beach, CA 92075

Mariarosa Daniela Marshall
419 S. Weitzel Street
P.O. Box 2929
Oceanside, CA 92054

Nancy Matus
1842 Playa Riviera Drive
Cardiff-by-the-Sea, CA 92007

Larry May
6873 Mimosa Drive
Carlsbad, CA 92011

Les Mazer
681 Crete Court
Encinitas, CA 92024

Brian McCabe
657 Sweet Pea Place
Encinitas, CA 92024

Dina McCabe
657 Sweet Pea Place
Encinitas, CA 92024

Jessica McClenny
447 Carmel Creeper Place
Encinitas, CA 92024

Maria McEneany
P.O. Box 2631
Rancho Santa Fe, CA 92067

Judy McFarland
1511 California Street
Oceanside, CA 92054

"Plumber" Scott McGervery
830 Citrus Place
Carlsbad, CA 92008

Michael E. McGinley P.E.
3340 Santa Carlotta Street
La Crescenta, CA 91214

Moiria McGrain
2460 Malibu Way
Del Mar, CA 92014

Marilee McLean
639 Santa Rosita
Solana Beach, CA 92075

Kym McQuiston
917 Urania Avenue
Encinitas, CA 92024

Samantha Melone
574 Sweet Pea Place
Encinitas, CA 92024

Shelley Melone
574 Sweet Pea Place
Encinitas, CA 92024

Kyle Menzies
Marci Manenson
2524 Davis Avenue
Carlsbad, CA 92008

Timothy Brick, Chair
The Metropolitan Water District of Southern
California
P.O. Box 54153
Los Angeles, CA 90054

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

John Metzger
 912 Santa Hidalgo
 Solana Beach, CA 92075

Thomas Metzger
 1510 Sunrise Circle
 Carlsbad, CA 92008

Catherine L. Miller
 640 Poinsettia Park N.
 Encinitas, CA 92024

Susan Miller
 2469 Oakridge Cove
 Del Mar, CA 92014

William E. Miller
 639 Glenmont Drive
 Solana Beach, CA 92075-1314

Sandy Mills
 633 Glencrest Place
 Solana Beach, CA 92075

Dillon Miner
 3624 Texas Street
 San Diego, CA 92104

Eric Molldrem
 225 Pacific View Lane
 Encinitas, CA 92024

Rene C. Monge
 139 Igualea Court
 Solana Beach, CA 92075

Margie Monroy
 749 B. Magnolia Avenue
 Carlsbad, CA 92008

Mario Monroy
 749 Magnolia Avenue, Unit B
 Carlsbad, CA 92008

Nancy Morgan
 1096 Urania Avenue
 Encinitas, CA 92024

Bruce Mortland
 2297 Dunstan Road
 Oceanside, CA 92054

Robbin Muller
 724 Poinsettia Park S.
 Encinitas, CA 92024

Joan Mumford
 1944 Playa Riviera Drive
 Cardiff-by-the-Sea, CA 92007

Linda Musengo
 655 Ida Avenue
 Solana Beach, CA 92075

Zeb Navarro
 1316 Buena Street
 Oceanside, CA 92058

Suzi Nawarabi
 1915 Playa Riviera Drive
 Cardiff-by-the-Sea, CA 92007

Gwen and Jack Nelson
 1360 Las Flores Drive
 Carlsbad, CA 92008

Gary Nessin
 2987 Highland Drive
 Carlsbad, CA 92008

Paul Nevans
 2014 Mountain Vista Way
 Oceanside, CA 92054

Teresa Nevarez
 443 Carmel Creeper Place
 Encinitas, CA 92024

Sharon Newbery
 1212 Vista Way
 Oceanside, CA 92054

Todd Neyer
 393 Orpheus Avenue
 Encinitas, CA 92024

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Michael Nixon
438 Carmel Creeper Place
Encinitas, CA 92024

George L. Piantka, P.E.
NRG Energy, West Region
5790 Fleet Street, Suite 200
Carlsbad, CA 92008

Dianna Nunez
339 Hillcrest Drive
Encinitas, CA 92024

Rich O'Brien
414 Carmel Creeper Place
Encinitas, CA 92024

Jim Schroder
Oceanside Economic Development
Commission
4020 Wooster Drive
Oceanside, CA 92056

Oceanside Chamber of Commerce
928 North Coast Highway
Oceanside, CA 92054

Paul Ocheltree
200 Marine View Avenue
Del Mar, CA 92014-3935

Mike O'Connell
1044 Laguna Drive, No. 18
Carlsbad, CA 92008

Clint O'Conner
760 Munevar Road
Cardiff-by-the-Sea, CA 92007

Michael Glenn O'Grady
220 E. Glaucus Street
Encinitas, CA 92024-1604

Don Omsted
1349 Rainbow Ridge Lane
Encinitas, CA 92024

Frank Paiano
2320 Soto Street
San Diego, CA 92107

Wendy Palfrey
335 Andrew Avenue
Leucadia, CA 92024

Pardee Construction Co.
6025 Edgewood Bend Court
San Diego, CA 92130

Kevin Patrick
12963 Via Latina
Del Mar, CA 92014

Nancy M. Patton
565 Sweet Pea Place
Encinitas, CA 92024

William Pearse
6960 Peach Tree Road
Carlsbad, CA 92011

James Peeler
3692 Herman Avenue
San Diego, CA 92104

Kim Pendleton
242 Luiseno Avenue
Oceanside, CA 92057

Mark Peterson
1804 Oxford Avenue
Cardiff-by-the-Sea, CA 92007

Marc Phillips
2970 Racetrack View Drive
Del Mar, CA 92014

Jennifer Pickering
645 Ida Avenue
Solana Beach, CA 92075

Michael Pierce
518 Sweet Pea Place
Encinitas, CA 92024

John F. Powell
7401 Magellan Street
Carlsbad, CA 92011

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Katherine Prelat
 845 Nardo Road
 Encinitas, CA 92024

Diane Nygaard, President
 Preserve Calavera
 5020 Nighthawk Way
 Oceanside, CA 92056

Carey Preston
 953 Arden Drive
 Encinitas, CA 92024

Prevent Los Angeles Gridlock Usurping the
 Environment (PLAGUE)
 c/o Shute, Mihaly & Weinberger LLP
 Rachel B. Hooper, Attorney, Erin B. Chalmers
 & Laurel L. Impett, AICP, Urban Planner
 396 Hayes Street
 San Francisco, CA 94102

Morteza M. Rahimi
 1507 Santa Sabina Court
 Solana Beach, CA 92075

Jeff Ramsay
 386 Carmel Creeper Place
 Encinitas, CA 92024

Jim Hare, Planning Director
 Rancho Santa Fe Association
 P.O. Box A
 Rancho Santa Fe, CA 92067-0359

Peter Smith, Manager
 Rancho Santa Fe Association
 P.O. Box A
 Rancho Santa Fe, CA 92067-0359

Ben Redman
 645 Ocean View
 Encinitas, CA 92024

Charlotte Reed
 259 Mangano Circle
 Encinitas, CA 92024

Leslie Reed
 3972 Ambervale Terrace
 San Diego, CA 92130

Leslie Reed
 818 Ida Avenue (rental property)
 Solana Beach, CA 92075

Catherine Reilly
 172 N. Columbus Street
 Arlington, VA 22203-2617

Resident
 6914 Waters End Drive
 Carlsbad, CA 92011

Mike and Dee Rich
 12912 Long Boat Way
 Del Mar, CA 92014

Charles D. Richmond
 2537 Via Pisa
 Del Mar, CA 92014

Paul Riha
 3546 Highland Drive
 Carlsbad, CA 92008

Edwin Riley
 1480 Calico Lane
 Escondido, CA 92029

Marilyn Rivas
 2783 Caminito San Marino
 Del Mar, CA 92014

Marilyn Rivas
 733 Dover Court
 San Diego, CA 92109

Janet Robinson
 772 Corinia Court
 Encinitas, CA 92024

Don Rodmel
 895 Genevieve Street
 Solana Beach, CA 92075

Chuck Rogers
 2305 Pio Pico Drive
 Carlsbad, CA 92008

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Sharon Clay Rose
412 Marview Drive
Solana Beach, CA 92075

Karina L. Ross Di Stasio
358 Carmel Creeper Place
Encinitas, CA 92024

Mark F. Rubins, Sr., DC
3983 Packard Lane
Carlsbad, CA 92008

Elizabeth Rudee
1345 Caminito Acento
La Jolla, CA 92037

Karl Rudnick
1019 San Patricio Drive
Solana Beach, CA 92075

Jerry Rugg
301 Mission Avenue, Unit 305
Oceanside, CA 92054

Patrick Russell
652 Poinsettia Park South
Encinitas, CA 92024

Paula and Tim Ryan
612 Santa Helena
Solana Beach, CA 92075

Father William Rowland, CJM
Saint Patrick Catholic Community Church
3821 Adams Street
Carlsbad, CA 92008

Lynn Salsberg, R.N.
264 La Barranca Drive
Solana Beach, CA 92075

Cindy Stankowski, Director
San Diego Archaeological Center
16666 San Pasqual Valley Road
Escondido, CA 92027-7001

Harold G. Thompson, Conservation Volunteer
San Diego Audubon Society
4010 Morena Boulevard, Suite 100
San Diego, CA 92117

James A. Peugh, Conservation Committee
Chair
San Diego Audubon Society
4010 Morena Boulevard, Suite 100
San Diego, CA 92117

Andy Hanshaw, Executive Director
San Diego County Bicycle coalition
P.O. Box 34544
San Diego, CA 92163

Gabriel Solmer, Director
Environmental Law and Policy Clinic
San Diego Coastkeeper
2825 Dewey Road, Suite 200
San Diego, CA 92106

James W. Royle, Jr., Chairperson
Environmental Review Committee
San Diego County Archaeological Society
P.O. Box 81106
San Diego, CA 92138-1106

Andy Hanshaw, Executive Director
San Diego County Bicycle Coalition
P.O. Box 34544
San Diego, CA 92163

Paul Lanspery, Deputy General Manager
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123

Edalia Olivo-Gomez
Environmental Specialist
San Diego Gas & Electric
8315 Century Park Court, CP21E
San Diego, CA 92123

Debra L. Reed, President
San Diego Gas & Electric
8330 Century Park Court
San Diego, CA 92123

Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Jim Seifert, Manager of Corporate
Real Estate Land Services & Facilities
On behalf of San Diego Gas & Electric
8335 Century Park Court
San Diego, CA 92123

San Diego Gas & Electric
Planning and Land Use
P.O. Box 1831
San Diego, CA 92112

San Diego Metropolitan Transit System
1255 Imperial Avenue
San Diego, CA 92101

Tom Deméré, Ph.D.
San Diego Natural History Museum
P.O. Box 121390
San Diego, CA 92112-1390

Attn. EIR Review
San Diego Regional Chamber of Commerce
402 West Broadway, Suite 1000
San Diego, CA 92101

Jerry Sanders, President & CEO
San Diego Regional Chamber of Commerce
Emerald Plaza
402 West Broadway, Suite 1000
San Diego, CA 92101-3585

Dawn Rawls, Chair
The San Dieguito Lagoon Committee
1087 Klish Way
Del Mar, CA 92014

Board of Directors
San Dieguito River Park Joint Powers
Authority
18372 Sycamore Creek Road
Escondido, CA 92025

Dick Bobertz, Executive Director
San Dieguito River Valley
Regional Open Space Park
18372 Sycamore Creek Road
Escondido, CA 92025

Olga Diaz
JPA Board Chair and Escondido
City Council Deputy Mayor
San Dieguito River Valley
Regional Open Space Park
18372 Sycamore Creek Road
Escondido, CA 92025

Larry Watt, Director
San Dieguito Water District
505 South Vulcan Avenue
Encinitas, CA 92024

Julie Sanderson
1036 Orpheus Avenue
Leucadia, CA 92024

Scott Sandoval
2928 33rd Street
San Diego, CA 92104

Fred C. Sandquist
6408 Crossbill Court
Carlsbad, CA 92011-2783

Adam Hoch, Associate Engineer
San Elijo Joint Powers Authority
2695 Manchester Avenue
Cardiff-by-the-Sea, CA 92007

Michael T. Thornton, P.E., General
Manager
San Elijo Joint Powers Authority
P.O. Box 1077
Cardiff-by-the-Sea, CA 92007-7077

Doug Gibson, Executive Director/Principal
Scientist
San Elijo Lagoon Conservancy
P.O. Box 230634
Encinitas, CA 92023

Denise Stillinger, President of the Board
San Elijo Lagoon Conservancy
P.O. Box 230634
Encinitas, CA 92023

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Lana Saner
704 Stratford Drive
Encinitas, CA 92024

Neville E. Saner
704 Stratford Drive
Encinitas, CA 92024

Don Sanford
696 Poinsettia Park S.
Encinitas, CA 92024

Michael J. Bardin, General Manager
Santa Fe Irrigation District
P.O. Box 409
Rancho Santa Fe, CA 92067

Sep Sarshar
2460 Oxford Avenue
Cardiff-by-the-Sea, CA 92007

Duncan McFetridge
Save Our Forest and Ranchlands
P.O. Box 475
Descanso, CA 91916

Attn. EIR Review
Save Our Heritage Organisation
2476 San Diego Avenue
San Diego, CA 92110-2838

Renee Savigliano
Renee Savigliano International Dynamics,
LLC
2557 Via Merano
Del Mar, CA 92014

John Schad
621 Sweet Pea Place
Encinitas, CA 92024

Robert E. Schell
14909 El Camino Real
Del Mar, CA 92014

Deb Schmidt
620 W. Solana Circle # 3A
Solana Beach, CA 92075

Marie B. Schmitz
7980 Pat Street
La Mesa, CA 91942-2548

Bruce J. Schryver
803 Spindrift Lane
Carlsbad, CA 92011

Ken Schultz
1870 Wilson Avenue
Leucadia, CA 92024

Nadine Scott
550 Hoover Street
Oceanside, CA 92054

John A. Economides, P.E., Facilities Team
Chair
Seacoast Community Church
1050 Regal Road
Encinitas, CA 92024

James D. Lang, President
Sea Cliff Homeowners Association
6126 Innovation Way
Carlsbad, CA 92009-1728

Carole Serling
2039 Bruceala Court
Cardiff-by-the-Sea, CA 92007

Susan Sesnovich
349 Carmel Creeper Place
Encinitas, CA 92024

Matt Shakter
7121 Rockrose Terrace
Carlsbad, CA 92011

Jan Hudson
Shaw Ridge Homeowners Association
5121 Shaw Ridge Road
San Diego, CA 92130

Mrs. David Sherwood
1526 Hunsaker Street
Oceanside, CA 92054

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Pam Shetler
6981 Whitecap Drive
Carlsbad, CA 92011

Beverly Shone
550 Gardena Court
Encinitas, CA 92024

Elizabeth Shopes
14104 Bahama Cove
Del Mar, CA 92014

Document Review Committee
Sierra Club, San Diego Chapter
8304 Clairemont Mesa Boulevard, Ste. 101
San Diego, CA 92111

Nilmini Silva-Send
5998 Alcala Park
San Diego, CA 92110-2492

Jacqueline Simon
802 Caminito del Sol
Carlsbad, CA 92011-2405

Ray Simon
225 Brooks Street
Oceanside, CA 92054

Jim O'Neal, President of the Board of
Directors
Skyloft Homeowners Protective Corporation
c/o J.D. Richardson Company
2355 Northside Drive
San Diego, CA 92108

Belinda Smith
8540 5th Avenue
San Diego, CA 92103

Janis Smith
510 Sweet Pea Place
Encinitas, CA 92024

Susan E. Smith
Seiurus Biological Consulting
13716 Ruelle le Parc, Unit E
Del Mar, CA 92014

Gerald Sodomka
105 Mozart Avenue
Cardiff-by-the-Sea, CA 92007-2314

Sharon Garrow, President
Solana Beach Chamber of Commerce
210 West Plaza
P.O. Box 623
Solana Beach, CA 92075

Carlos Soledade
521 Gardena Court
Encinitas, CA 92024

Kirsten Soledade
521 Gardena Court
Encinitas, CA 92024

Marty Sommercamp
1016 Santa Florencia
Solana Beach, CA 92075

Steven Soto
1309 Bush Street
Oceanside, CA 92058

Southern California Edison
P.O. Box 800
Rosemead, CA 91770

Tracey Alsobrook, Project Manager
San Dieguito Wetlands Restoration Project
Southern California Edison
P.O. Box 800
Rosemead, CA 91770

Patrick Tennant, Project Manager
San Dieguito Wetlands Restoration Project
Southern California Edison
P.O. Box 800
Rosemead, CA 91770

Melissa Spiegler
669 Stratford Drive
Encinitas, CA 92024

Robert Spiegler
669 Stratford Drive
Encinitas, CA 92024

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Byron Spratt
353 Carmel Creeper Place
Encinitas, CA 92024

Joan Stabenau
7426 Lantana Terrace
Carlsbad, CA 92011

Diane Stacey
576 Stratford Drive
Encinitas, CA 92024

Marcia Stanley
4039 Carmel View Road, No. 99
San Diego, CA 92130

Tom and Lahrisa Steenback
501 San Luis Rey Drive
Oceanside, CA 92058

Tom Stekmann
5239 El Arbol
Carlsbad, CA 92008

Pat Steward
12921 Caminito Del Canto
Del Mar, CA 92014

James Stiven
1109 Lagoon View Court
Cardiff-by-the-Sea, CA 92007

Kathleen Stiven
1109 Lagoon View Court
Cardiff-by-the-Sea, CA 92007

Jordan Stockham
1417 Priaeus Street
Encinitas, CA 92024

Frank Sullivan
1277 Santa Luisa Drive
Solana Beach, CA 92075

Executive Committee
Surfrider Foundation
San Diego County Chapter
P.O. Box 1511
Solana Beach, CA 92075

Mrs. R. Sutherland
1474 Stewart Street
Oceanside, CA 92054

Frank Sutton
1078 Neptune
Encinitas, CA 92024

Bill Swinnea
1944 Playa Riviera Drive
Cardiff-by-the-Sea, CA 92007

Donna Szydelko
13050 Caminito Cristobal
Del Mar, CA 92014

Ross Tanner
13851 Mercado Drive
Del Mar, CA 92014

Laura Tarabini
221 Mangano Circle
Encinitas, CA 92024

Reed Thompson
UBS Financial Services, Inc.
1200 Prospect Street, Suite 500
La Jolla, CA 92037

Greg Thomsen
7155 Linden Terrace
Carlsbad, CA 92011

Brooke Tigh
438 Carmel Creeper Place
Encinitas, CA 92024

Cynthia Tigh
438 Carmel Creeper Place
Encinitas, CA 92024

Kamei Tolba, M.D., FAPP
398 Carmel Creeper Place
Encinitas, CA 92024

Torrey Pines Association
P.O. Box 345
La Jolla, CA 92038

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Dennis Ridz, Chair
Torrey Pines Community Planning Board
14151 Boquita Drive
Del Mar, CA 92014

David Schonbrunn, President
Transportation Solutions Defense and
Education Fund
P.O. Box 151439
San Rafael, CA 94915

Sumukh Trilokekar
8775 Costa Verde Boulevard, # 1108
San Diego, CA 92122

Lynne Truong
1045 Santa Queta
Solana Beach, CA 92075

Daniel Turitto
1522 Old Creek Court
Cardiff-by-the-Sea, CA 92007

Sarah Turitto
1522 Old Creek Court
Cardiff-by-the-Sea, CA 92007

Jeff Turnbull
550 Gardena Court
Encinitas, CA 92024

Charlotte Ulm
249 Pacific View Lane
Encinitas, CA 92024

Robert Uzes
3580 Vista Laguna Road
Fallbrook, CA 92028

Mary Vartanian
325 W. Orange Grove Avenue
Sierra Madre, CA 91024

Edgar Vasquez
529 Sweet Pea Place
Encinitas, CA 92024

Dana Vieweg
457 Union Street
Encinitas, CA 92024

Humberto Viveros
1566 Caudor Street
Encinitas, CA 92024

Karen von Dessonneck
1165 Eolus Avenue
Encinitas, CA 92024

James W. Waldorf, Inc.
Real Estate Appraisal and Consulting
5431 Avenida Encinas, Suite H
Carlsbad, CA 92008

Pat Wallace
1901 Bush Street, No. 101
Oceanside, CA 92058

Richard F. Walsh
907 Caminito Estrada Unit B
Carlsbad, CA 92011

Molly Wardell
630 Barbara Avenue
Solana Beach, CA 92075

Evelyn Weidner
537 Ocean View
Encinitas, CA 92024

Felicia Weinbaum, MBA
12991 Longboat Way
Del Mar, CA 92014

Tracy Weiss
630 Barbara
Solana Beach, CA 92075

Leslie Welsh
1814 MacKinnon Avenue
Cardiff-by-the-Sea, CA 92007

Dolores Welty
2076 Sheridan Road
Encinitas, CA 92024

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Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)

Judy Wegenauer
431 Glenmont Drive
Solana Beach, CA 92075

The Western Family
510-514 La Costa Avenue
Encinitas, CA 92024

Judith Weston
1644 Legays Drive
Cardiff-by-the-Sea, CA 92007

Paul Whitworth
6965 Waters End Drive
Carlsbad, CA 92011

Cliff Whynaught
1250 Kirmar Place
Oceanside, CA 92054

Karen Whynaught
1250 Kirmar Place
Oceanside, CA 92054

Virginia Wilken
447 Carmel Creeper Place
Encinitas, CA 92024

Wendy Wilkens
2842 Cape Sebastian
Cardiff-by-the-Sea, CA 92007

Claudia E. Wilson
123 Buena Ventura Court
Solana Beach, CA 92075

Mary Wilson
1441 Moreno Street
Oceanside, CA 92054

Diane E. Wintriss
3707 Ruelle de Ville
San Diego, CA 92130

Chuck Wise
1820 Amalfi Drive
Leucadia, CA 92024

Mark Wisniewski
2036 Countrywood Way
Encinitas, CA 92024

Mary Witesman
695 Normandy Road
Encinitas, CA 92024

John Wolfe
802 Santa Hidalgo
Solana Beach, CA 92075

James Wong
1309 Windsor Road
Cardiff-by-the-Sea, CA 92007

Darren Woolcott
13122 Caminito Pointe
Del Mar, CA 92014

Linda M. Woolcott
13122 Caminito Pointe Del Mar
Del Mar, CA 92014

Susan Yamata
804 Avenida de San Clemente
Encinitas, CA 92024

Ronette Youmans
607 Orpheus Avenue
Encinitas, CA 92024

Peter Zahn
Counsel, District Law Offices
2163 Newcastle Avenue, Suite 200
Cardiff, CA 92007

Carol Zukowski
5081 Caspian Drive
Oceanside, CA 92057

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