



# NOTICE OF INTENT

## Caltrans to Adopt a U.S. Department of Transportation Act Section 4(f) De Minimis Finding for Impacts to San Elijo Lagoon Ecological Reserve



**WHAT'S BEING PLANNED?** Caltrans is proposing a change of right-of-way into a transportation use on five minor areas averaging 0.05 acres each of the San Elijo Lagoon Ecological Reserve within the County of San Diego. The right-of-way for transportation use is for the construction and replacement of the proposed rock slope protection/armoring, and for the Manchester Avenue shared bike path with pedestrians into a public road easement.

**WHY THIS PUBLIC NOTICE?** The proposed project is an action that is subject to the U.S. Department of Transportation Act of 1966. Section 4(f) of this legislation seeks to protect from transportation use of publicly owned parks and recreation areas, waterfowl and wildlife refuges, and historic sites considered to have national, state or local significance from impacts related to the "use" of these resources caused by transportation projects. The act includes a special provision to carry out this effort in 23 CFR 774.17, Section 4(f). The responsibility for Section 4(f) findings has been assigned by the U.S. Department of Transportation/Federal Highway administration to the California Department of Transportation (Caltrans) under the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for User (SAFETEA-LU) Act of 2005. Section 6009 of SAFETEA-LU allows determinations that certain uses of 4(f) land will have no adverse effect – de minimis – on the protected resource. If a "use" is identified of a Section 4(f) property, an assessment is made of the effects, and either avoidance, minimization, mitigation, or enhancement measures are established to lessen those effects. Section 6009(a) requires that a public notice and opportunity for review and comment be provided for projects that potentially have a de minimis impact before making a determination or finding about the change in land use.

**WHAT'S AVAILABLE FOR REVIEW:** A document has been prepared to support Caltrans' intent to determine a de minimis impact finding, and is available for public review and comment, which can be found at <http://www.dot.ca.gov/dist11/envir.htm>.

Public comments on the 4(f) de minimis finding will be accepted until **Friday, January 8, 2016**. Responses or replies to the public comments may not be required, depending on the substantive nature of the comments; however, all comments and responses will be considered and documented in the administrative record for the proposed project.

**WHERE YOU COME IN:** Caltrans is soliciting input from the public, as well as representatives from the California Department of Fish and Wildlife Service, County of San Diego, and San Elijo Lagoon Conservancy. Send all comments to; [Shay.Lynn.Harrison@dot.ca.gov](mailto:Shay.Lynn.Harrison@dot.ca.gov) or mail to: **Shay Lynn M. Harrison,**  
**California Department of Transportation, District 11,**  
**4050 Taylor Street, MS 242**  
**San Diego, CA 92110.**

**CONTACT:** For more information about the proposed project, please contact: **Shay Lynn M. Harrison, Senior Environmental Planner,** at **(619) 688-0190.**

Special Accommodations – Individuals who require documents in alternative formats or translated are requested to contact the District 11 Public Information Office at (619) 688-6670. TTY users may contact the California Relay Service TTY line at 711.