

NOTICE OF INTENT TO USE FINDING OF NO SIGNIFICANT IMPACT IN LIEU OF A MITIGATED NEGATIVE DECLARATION FOR THE PORT SAN LUIS HARBOR BREAKWATER REPAIRS PROJECT

In lieu of preparing its own Mitigated Negative Declaration, the California Regional Water Quality Control Board, Central Coast Region, intends to use the Environmental Assessment (EA)/Finding of No Significant Impacts (FONSI), prepared by the Department of the Army, U.S. Army Corps of Engineers, Los Angeles District (Corps), for a project that includes repair and maintenance of the Port San Luis Harbor breakwater. The proposed project site is located past Avila Beach Drive in the Port San Luis Harbor District.

The proposed project (Port San Luis Harbor Breakwater Repairs Project) will reset existing stone and place new stone, including excavation of shoaled sediment adjacent to the leeward side of the breakwater for vessel access. The proposed project is required to restore a damaged portion of the breakwater needed to ensure navigational safety and prevent degradation of the structural integrity of harbor facilities.

All maintenance construction will be sea-based, conducted from barges or other construction vessels. Scooping and placement of sediment will not result in long-term turbidity increases or extensive turbidity plumes. Sediment is recently accumulated, and testing results do not indicate evidence of contaminated sediment. Removed sediment will be placed for beneficial reuse in another location within the bay as part of construction of a new eelgrass bed. Eelgrass rhizomes for planting of the new bed will be harvested from the access channel excavation footprint. Eelgrass rhizomes for replanting of the excavation site will be harvested from eelgrass donor beds outside of the reference and restoration sites. After completion of the proposed actions, the Corps will conduct annual inspections to ensure stability of the repaired area and successful restoration and establishment of eelgrass habitat.

Under the California Environmental Quality Act (CEQA), state agencies are encouraged to use a FONSI prepared pursuant to the National Environmental Policy Act (NEPA) rather than preparing a new CEQA document, when the FONSI, prepared before a Negative Declaration or EIR, would otherwise be completed for the project, and the FONSI complies with CEQA Guidelines.

Under CEQA, section 15225(a) further states that “where the federal agency circulated the EIS or finding of no significant impact for public review as broadly as state or local law may require and gave notice meeting the standards in section 15072(a) or 15087(a), the lead agency under CEQA may use the federal document in the place of an EIR or negative declaration without recirculating the federal document for public review. One review and comment period is enough. Prior to using the federal document in this situation, the lead agency shall give notice that it will use the federal document in the place of an EIR or negative declaration and that it believes that the federal document meets the requirements of CEQA.”

The Corps prepared an Environmental Assessment for the Port San Luis Harbor Breakwater Repairs Project to address impacts for environmental resources due to implementation of the proposed project. The Corps distributed the Draft EA/FONSI for a 30-day public review period from April 13, 2021 through May 12, 2021 to federal, state, and local agencies, and the public. The Corps also submitted notice of completion to the State Clearinghouse with an electronic copy of the Draft EA/FONSI. The Draft EA/FONSI was made available on the Corps' website at: <https://www.spl.usace.army.mil/Media/Public-Notices/Article/2567913/port-san-luis-harbor->

[operations-and-maintenance-breakwater-repair-project/](#). No comments were received on the Draft EA/FONSI to be incorporated in the Final EA/FONSI. This meets the requirements of a 30-day of public review period for an environmental document under CEQA.

This Notice is provided by the state agency, the California Regional Water Quality Control Board, Central Coast Region, for the Port San Luis Harbor Breakwater Repairs Project. The State plans to use the EA and FONSI as a Mitigated Negative Declaration for the proposed project. The EA and FONSI include a description of the proposed project and evaluate potential for adverse environmental impact. The EA concludes the proposed project will have no significant impacts to the environment after mitigation.

Digital versions of the EA/FONSI are available at:
<https://www.spl.usace.army.mil/Media/Public-Notices/Article/2567913/port-san-luis-harbor-operations-and-maintenance-breakwater-repair-project/> . Should you have any questions, please contact Kathleen Hicks, by email at Kathleen.Hicks@waterboards.ca.gov or by mail at:

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Project Name: Port San Luis Harbor Breakwater Repairs Project

Receiving Water: Port San Luis Bay and Harbor

City/County: Avila Beach/San Luis Obispo